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# BOLLING'S

## GUIDE TO PUBLIC OFFICERS

IN

### KENTUCKY.

GIVING THE ORIGIN AND JURISDICTION OF THE SUPERIOR AND  
INFERIOR COURTS, AND GIVING THE FEES OF ALL  
PUBLIC OFFICERS IN KENTUCKY.

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EDITED BY

R. R. BOLLING, &c.

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## PREFACE.

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In view of supplying what has been long considered a necessity, the compiler of this volume has undertaken the task of revising the various acts of the Legislature which denominate the fees to which public officers in Kentucky are entitled for any and every kind of service rendered by them.

The book is so arranged that any officer can readily ascertain the legal fee to which he is entitled for any service he may render.

It is the design of the editor, in this volume, concisely and accurately to furnish to all Public Officers in Kentucky a statement of the fees to which they are entitled; and at the same time to give a general outline of the duties pertaining to some of the offices, without going into a detail of *all* the laws governing these duties.

In the arrangement of the Exemption laws, and the laws governing Descent and Distribution, and also the laws appertaining to the rights and duties of Executors, Administrators, and Guardians, much pains has been taken.

The views in brief of several of the ablest lawyers in the State are given in reference to these, and hence this volume may be considered both accurate and reliable.

It is hoped and believed that the present volume will be an agreeable compendium to the Legal Profession, as they will find herein condensed many important laws as to the jurisdiction, etc., of the Inferior, Circuit, Common Pleas, and Appellate Courts.

The use of this compendium as a means of ascertaining the fees which are legally chargeable will save much valuable time which would be otherwise expended in the examination of the several volumes of the Statutes, and of the various acts of the Legislature.

As the result of a long and intimate acquaintance with the duties of the various Public Officers, the editor gives this volume to the Profession and the public, with the hope and in the belief that it will worthily occupy a desirable place, and one hitherto unfilled in this branch of professional practice.

R. R. BOLLING.

LOUISVILLE, KY., June, 1872.

GOVERNORS, LIEUTENANT-GOVERNORS  
AND  
SECRETARIES OF STATE,

From the Adoption of the Constitution of Kentucky,

IN

1792 TO 1872.

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1792 to 1796— ISAAC SHELBY,  
The first Governor, took the oaths of office on the 4th of June, 1792;  
James Brown, Secretary of State.

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1796 to 1800— JAMES GARRARD,  
Governor; Harry Toulman, Secretary. In 1799 the second Con-  
stitution was formed.

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1800 to 1804— JAMES GARRARD  
Was again elected Governor; A. S. Bullitt, Lieut.-Governor; Harry  
Toulman, Secretary.

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1804 to 1808— CHRISTOPHER GREENUP,  
Governor; John Caldwell, Lieut.-Governor; John Rowan, Secre-  
tary.

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1808 to 1812— CHARLES SCOTT,  
Governor; Gabriel Slaughter, Lieut.-Governor; Jesse Bledsoe,  
Secretary.

1812 to 1816— ISAAC SHELBY,  
Governor; Richard Hickman, Lieut.-Governor; Martin D. Hardin,  
Secretary.

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1816 to 1820— GEORGE MADISON,  
Governor; Gabriel Slaughter, Lieut.-Governor; C. S. Todd, Secretary.  
Governor Madison died on the 14th of October, 1816, and  
on the 21st of same month Gabriel Slaughter, the Lieut.-Gov-  
ernor, assumed the duties of Executive; John Pope, and after  
him, O. G. Waggoner, Secretary.

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1820 to 1824— JOHN ADAIR,  
Governor; William T. Barry, Lieut.-Governor; Joseph Cabell  
Breckinridge, and after him, Thomas B. Monroe, Secretary.

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1824 to 1828— JOSEPH DESHA,  
Governor; Robert B. McAfee, Lieut.-Governor; William T. Barry,  
succeeded by James C. Pickett, Secretary.

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1828 to 1832— THOMAS METCALFE,  
Governor; John Breathitt, Lieut.-Governor; George Robertson,  
succeeded by Thomas T. Crittenden, Secretary.

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1832 to 1836— JOHN BREATHITT,  
Governor; James T. Morehead, Lieut.-Governor; Lewis Sanders,  
jr., Secretary. Governor Breathitt died on the 21st of Febru-  
ary, 1834, and on the 22d of the same month, James T. More-  
head, the Lieut.-Governor, assumed the duties of Executive.  
John J. Crittenden, William Owsley, and Austin P. Cox, were  
successively Secretaries of State.

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1836 to 1840— JAMES CLARK,  
Governor; Charles A. Wickliffe, Lieut.-Governor; James M. Bul-  
lock, Secretary. Governor Clark died on the 27th of September  
1839, and on the 5th of October, Charles A. Wickliffe, the Lieut.-  
Governor, assumed the duties of Executive.

1840 to 1844— ROBERT P. LETCHER,  
Governor; Manlius V. Thomson, Lieut.-Governor; James Harlan,  
Secretary.

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1844 to 1848— WILLIAM OWSLEY,  
Governor; Archibald Dixon, Lieut.-Governor; Benjamin Hardin,  
George B. Kinkead, and William D. Reed, were successively  
Secretaries of State.

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1848 to 1851— JOHN J. CRITTENDEN,  
Governor; John L. Helm, Lieut.-Governor; John W. Finnell, Sec-  
retary. Governor Crittenden resigned July 31st, 1850, and  
accepted the position of Attorney General under President Fill-  
more; on the same day John L. Helm, the Lieut.-Governor,  
assumed the duties of Governor and continued to act as such to  
the end of term, the term being only three years, on account of  
the adoption of the new Constitution.

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1851 to 1855— LAZARUS W. POWELL,  
Governor; John Burton Thompson, Lieut.-Governor; David Meri-  
wether, Secretary. Lieut.-Governor Thompson was elected to  
U. S. Senate, December 13th, 1851. Governor Powell appointed  
David Meriwether Senator in Congress in 1852; then James P.  
Metcalfe and Grant Green, were successively Secretaries of  
State.

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1855 to 1859— CHARLES S. MOREHEAD,  
Governor ; James G. Hardy, Lieut.-Governor; Mason Brown, Sec-  
retary of State. Lieut.-Governor Hardy died in 1857.

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1859 to 1863— BERIAH MAGOFFIN,  
Governor ; Linn Boyd, Lieut.-Governor. Lieut.-Governor Boyd  
died December 17th, 1859. Governor Magoffin resigned August  
18th, 1862, and on the same day James F. Robinson, the Speaker  
of the Senate, took the oaths of office and assumed the duties of  
Governor. T. B. Monroe, jr., Nat. Gaither, jr., and D. C. Wick-  
liffe, were successively Secretaries of State.

1863 to 1867— THOMAS E. BRAMLETTE,

Governor; Richard T. Jacob, Lieut.-Governor; E. L. Van Winkle  
and John S. Van Winkle, were successively Secretaries of State.

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Sept. 3rd, 1867 to Sept. 8th, 1867.

JOHN L. HELM,

Governor; John W. Stevenson, Lieut.-Governor; Samuel B. Churchill, Secretary of State. Governor Helm was inaugurated at Elizabethtown, September 3d, 1867, and died September 8th, 1867. On the 12th day of September, 1867, Lieut. Governor Stevenson took the oaths of office and discharged the duties of Governor until he was elected Governor in 1868, and Samuel B. Churchill continued as Secretary of State.

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1868 to 1871. JOHN W. STEVENSON,

Governor; Preston H. Leslie, Lieut.-Governor; Sam'l B. Churchill,  
Secretary of State.

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1871— PRESTON H. LESLIE,

Governor; John G. Carlisle, Lieut.-Governor; Andrew J. James,  
Secretary of State. On the 10th day of June, 1872, Andrew J. James resigned and the Governor appointed George W. Craddock Secretary.

# GOVERNMENT OF KENTUCKY.

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## EXECUTIVE DEPARTMENT.

### Governor.

PRESTON H. LESLIE, of Barren county.

Elected August, 1871. Term Expires 1875. Salary, \$5,000.

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### Lieutenant Governor.

(And Speaker of the Senate.)

JOHN G. CARLISLE, of Kenton county.

Elected August, 1871. Term expires 1875. Salary, \$10 per day during sessions of Legislature.

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### Secretary of State.

ANDREW J. JAMES, of Frankfort, Franklin county.

Appointed September 5, 1871. Term expires 1875. Salary, \$1,500.

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### Assistant Secretary of State.

WILLIAM H. BOTTS, of Barren county.

Appointed September 5, 1871. Term expires 1875. Salary, \$800 and fees.

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### Attorney General.

JOHN RODMAN, of Frankfort, Franklin county.

Term expires 1875. Salary \$500 and fees.

**Auditor of Public Accounts.**

D. HOWARD SMITH, of Owen county.

Elected August, 1871. Term expires 1875. Salary, \$2,500.

Assistant Auditor, \$2,000.

Annual appropriation to Auditor to enable him to pay clerk hire, \$8,000.

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**Auditor's Agent.****COMPENSATION OF AGENT OF THE AUDITOR.**

§ 1. That hereafter the Agent of the Auditor shall be allowed for all sums of money which he may hereafter cause to be recovered and actually paid into the Treasury of this State under the law creating said agency and acts amendatory thereto, now remaining unrepealed, to-wit: at the rate of thirty-three and one-third per cent, on the first fifteen thousand dollars, and all over that sum at the rate of twelve and one half per cent., paid as aforesaid into the Treasury during the year.

§ 2. The Auditor of Public Accounts shall settle with said agent as is now provided by law, and in the month of July of each year, and such settlement in July shall close the amount for the year in which it was made.

Act March 9, 1867. Approved March 9, 1867.

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**An Act in relation to Agent of the Auditor.**

§ 1. That all laws and parts of laws in relation to agent of the Auditor, now in force, be, and the same are hereby continued in force for the period of three years from and after the 2d day of March, 1870.

Act March 2, 1870. Approved March 2, 1870.

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That the Agent of the Auditor shall not receive any compensation for the performance of any act by him under

the act approved February 20th, 1864, entitled "An act to tax railroads, turnpike roads, and other corporations, in aid of the Sinking Fund," nor shall he receive any compensation upon any judgment of the fiscal court in favor of the Commonwealth against defaulting sheriffs or collectors of tax, nor upon the judgments to enforce any such judgments against such officers.

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Agent shall not receive money. Agent shall report to Auditor. Agent to act on written order of Auditor.

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### Treasurer.

**JAMES W. TATE**, of Frankfort, Franklin county.

Elected August, 1871. Term expires 1873. Salary, \$2,400, and Treasurer's clerk, \$1,000.

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### Register of the Land Office.

**J. A. GRANT**, of Frankfort, Franklin county.

Elected August, 1871. Term expires 1875. Salary, \$2,000. Salary of 1st clerk, \$1,200. Salary of second clerk, \$700.

The Register is entitled to the following fees:

Copies of patents-----	50 cents
Copies of surveys-----	50 "
Filing caveat and copy of same-----	1.00

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### Superintendent of Public Instruction.

**H. A. M. HENDERSON**, of Frankfort, Franklin county, Ky.

The Superintendent of Public Instruction is elected for a term of four years.

**Superintendent.****CHAPTER 854.**

Acts regular session of 1869-70, page 117.

**ARTICLE III.** § 1. The Superintendent of Public Instruction shall take the oath, and enter upon the duties of his office, on the first Monday succeeding the inauguration of the Governor.

§ 2. His salary shall be two thousand dollars; besides which, he shall be entitled to all office fixtures, stationery, books, and postage needed to carry on the work of his office. He shall have power to appoint a clerk, who shall be paid a salary of one thousand dollars. He shall also have power to appoint an additional clerk for such length of time as may be necessary, but not longer than the 30th of June, 1870, to aid him in the performance of his duties as prescribed herein, who shall be paid at the rate of one thousand dollars per annum.

§ 3. He shall keep his office in the city of Frankfort, in such suitable building as may be provided, and shall devote his entire time and attention to the duties of his office.

§ 4. He shall keep an account of all the orders drawn or countersigned by him on the Auditor, of all the returns of settlements, and of all changes in the office of Commissioner, which shall be furnished to the Auditor whenever required.

\*     \*     \*     \*     \*

§ 10 He shall have published, for distribution throughout the State, the general school laws of the State, the decisions of the Attorney General on points of school laws, and construction thereof; information and instruction in regard to application of the school law, and the management of the Common Schools; plates, illustrations,

and descriptions of appropriate school architecture; important official and legal periods of the school year, with due notice thereof, and such other important facts and data as may be of interest to the department.

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### Board of Education.

ARTICLE II. § 1. The Attorney General, the Secretary of State, and the Superintendent of Public Instruction, and their successors in office, shall be a body-politic and corporate, with perpetual succession, by the name and style of "The Board of Education for the State of Kentucky," subject to alteration and repeal by the Legislature.

§ 2. The corporation may take, hold, and dispose of real or personal estate for the benefit of the common schools of the State.

§ 3. The Superintendent of Public Instruction shall be President of the Board; but any two of its members may control its corporate acts.

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### Commissioners.

ARTICLE IV. § 1. There shall be a Commissioner of common schools in each of the counties of the State, who shall possess a fair English education, good moral character, and ability to manage the common school interest of the county efficiently; but, in addition to the Commissioner for the county of Jefferson, there shall also be one for the city of Louisville, who shall be elected by the general council of said city during the month of November, 1870, and biennially thereafter; the duties of said Commissioner within said city shall be the same as those prescribed for other Commissioners, and his compensation

shall be fixed by said city council, and paid out of the city treasury.

§ 2. The Commissioners shall be elected by the presiding judge and justices of the peace of each county at the court of claims to be held in the county in the year 1870, and every two years thereafter; and for the purpose of holding such election, the justices of the peace in the city of Newport, Campbell county, and the city of Covington, Kenton county, shall constitute a part of the court of claims.

§ 3. A county judge or justice of the peace shall not be eligible to the office of Commissioner of common schools, and no Commissioner shall be a teacher in any common school.

§ 4. The Commissioner shall, before entering upon the discharge of the duties of his office, take the oath of office, and execute bond before the county court of his county, to the Commonwealth of Kentucky, with sufficient security, to be approved by the court, for the faithful discharge of his duties.

§ 5. It shall be the duty of the clerk of the county court, immediately after the election of the Commissioner, to certify such election to the Superintendent of Public Instruction; and on failure to do so for thirty days, he shall be fined a sum not exceeding fifty dollars.

§ 6. The Commissioner shall have power to lay off, alter, or abolish districts, and if necessary, may lay off anew the districts throughout the county. He shall, at least once during the year, visit each school district of his county, and investigate and direct the operations of the school system, and promote by addresses, or otherwise, the cause of common school education.

**WHEN COMMISSIONER SHALL SETTLE HIS ACCOUNTS—**

§ 13. Each Commissioner, by or before the first day of September next after the termination of each school year, shall settle his accounts for such school year within the county court, and forward a copy of said settlement, certified by the clerk of said court to be correct, to the Superintendent.

**COUNTY JUDGE TO APPOINT A SUCCESSOR IN CASE OF A VACANCY—**

§ 21. In the case of the death, removal, resignation, or inability of the Commissioner elected by the court of claims of any county to act, the presiding judge of said county is hereby authorized to appoint a successor, to continue in office until the succeeding court of claims is held in said county.

§ 22. In the event of the failure on the part of the court of claims to elect a Commissioner at the proper time, the incumbent shall continue in office until the time fixed for the next regular election of Commissioner. Nevertheless, it shall be competent for the county court, at any regular session, to remove a Commissioner for inability, for habitual neglect of duty, or for malfeasance in office.

**COMPENSATION OF COMMISSIONER—**

§ 23. The Commissioner shall receive, as compensation for his services as such, not more than one hundred dollars, and in addition thereto, the sum of three dollars for each district in which a common school shall be regularly and legally taught, and one per cent. on the money received and disbursed by him; all which shall be allowed by the court of claims of each county held after the termination of the school year, upon being satisfied that the duties prescribed herein have been faithfully and fully perform-

ed; and when allowed, shall be paid out of the common school fund belonging to such county. And in counties where the county court is divided on account of two county seats, each court shall pay to the Commissioner his one per cent. commission on the amount of money disbursed within their respective jurisdiction.

#### TEACHERS MUST OBTAIN CERTIFICATES OF QUALIFICATION—

ARTICLE VII. § 1. No person shall be deemed qualified to teach any common school herein provided for, unless such person shall first have obtained a certificate of qualification to teach the elements of a plain English education, signed by two members of the County Board of Examiners, specifying the class of qualifications of the applicants. The certificates of qualification, given as above, shall be divided into first, second, and third class certificates. A first class certificate shall be issued only to those who have, on examination, shown a thorough and accurate knowledge of the branches of study required to be taught in the common schools; a second class certificate to those who have shown an imperfect knowledge; and a third class certificate to those who have shown an indifferent knowledge of the same. A third class certificate shall not be issued more than twice to the same teacher. Second and third class certificates shall be valid for one year only, and first class certificates shall be valid for two years.

#### COMMISSIONER MAY COLLECT FEES FROM TEACHERS—

The Commissioner may collect from each teacher, or other person in attendance on the Institute at the time of matriculation as pupil of same, two dollars. These fees shall form a County Institute fund. Out of this fund the Commissioner shall pay, first, the county Board of Examiners; and after paying all necessary expenditures in sup-

port of the Institute taught and the Association held, he shall divide the balance of said fund, if any, equally among those districts in his county which have established library funds; to be appropriated solely for the benefit of the libraries of same.

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### Common School Defined.

ARTICLE X. § 1. The object of this chapter is to carry into effect the intention of the people of Kentucky, as expressed in the Constitution, in promoting the establishment throughout the State of a system of common schools which shall be equally accessible to the poor as to the rich. It is therefore declared that no school shall be deemed as "common school," within the meaning of this chapter, or be entitled to any contribution out of the school fund, unless the same has been, pursuant hereto, actually kept by a qualified teacher for five months, or, if situated in a district containing less than the minimum number of children, for three months, during the same school year, and at which every white child residing in the district, between the ages of six and twenty years, has had the privilege of attending, whether contributing towards defraying its expenses or not.

§ 2. Nothing in the last section shall preclude a school which is kept for a part of the year as a common school from being kept for the balance of the year as a select or private school, to which none but contributors may have the privilege of sending pupils.

§ 3. The school year shall hereafter begin on the first day of July, and terminate on the thirtieth day of June; the first year, pursuant to this chapter, beginning the first day of July, 1870.

### Negro Schools.

§ 6. The trustees of each common school district in the county may cause a school to be taught in their district for the education of negro and mulatto children in said district; and shall report to the county school commissioner the number of children in attendance at said school during the year, for not less than three months; and the county school commissioner shall report to the annual court of claims all the negro schools thus taught in the county; and said court shall allow, out of the fund aforesaid, two dollars and fifty cents (\$2 50) for each scholar who has attended school three months, or a longer period. The county judge, when said appropriation is made, shall draw his warrant on the county treasurer, or receiver, in favor of the county school commissioner, for the aggregate amount thereof; and the county school commissioner shall pay the same proportionately to the trustees of each school district, to be applied by them in defraying the expenses of the said school for the year. The county school commissioner shall report annually to the Superintendent of Public Instruction the number of negro schools taught, number of children in attendance, and amount paid by him under this act. The county commissioner shall be responsible, on his official bond, for the school fund that passes into his hands. The court may allow him a reasonable sum for his services, as aforesaid, to be paid out of the fund. No person shall be a teacher under this act, unless he has first obtained a certificate from the county commissioner, certifying that he is qualified, and is a proper person to teach the schools herein provided for.

§ 7. The residue of said fund shall constitute the negro and mulatto pauper fund of the county. It shall be the duty of the county court to provide for the taking care of

the negro and mulatto paupers in the county. It shall be the duty of the court of claims to audit the claims of such persons in the county who have taken care of and provided for negro or mulatto paupers, under the order of the county judge; and, when a claim is allowed, the court shall authorize the presiding judge to draw his warrant on the county treasurer, or receiver, in favor of the claimant for the amount thereof.

§ 8. It shall be the duty of the sheriff of each county to notify any one who is indebted to a negro or mulatto, the amount of his taxes under this act, that he will subject the amount thereof to the payment of said tax; whereupon, it shall be the duty of the debtor to pay, when due, the amount of said negro's taxes to the sheriff, and the payment by the debtor shall be a discharge of so much of the indebtedness.

§ 9. An act, entitled "An act for the benefit of the negroes and mulattoes of this Commonwealth," approved February 16, 1866, is hereby repealed.

§ 10. The funds collected from each county and paid into the treasury under said act, shall be drawn from the treasury by the county court of the county in which they were collected, to be disposed of by said court under the provisions of this act.

Act March 9, 1867.

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**A Brief Abstract of the Provisions for a General System of Public Schools made by the City Charter of Louisville.**

The number of schools under the control of the Board of Trustees of the Public Schools of Louisville, including the colored schools, is twenty-two.

They consist of a male high school, a female high school, and twenty ward schools.

The German language is taught by twenty-nine special teachers in sixteen of the ward schools.

The course of study in the female high school embraces all the subjects usually taught in schools for girls in other cities; that in the male high school embraces a business and a classical course, each three years, and a university course of two additional years, and includes the departments of—1, belles lettres; 2, ancient languages; 3, pure mathematics; 4, chemistry and technology; 5, applied mathematics, and 6, modern languages.

There is also a training school connected with one of the ward schools, the object of which is to prepare young ladies to become teachers in the public schools.

By the provisions of the charter, the control and management of these schools, the property and funds belonging thereto, their establishment and maintenance, are vested in the board of trustees.

The boards meet once a month; and a majority is necessary to constitute a quorum.

All white children over six years of age, whose parents reside in the city, are admitted to the schools without payment of tuition.

Non-resident pupils are admitted upon the payment of a tuition fee, unless their parents pay city taxes, for school purposes, in a sum over twenty dollars.

No catechism or other form of religious belief can be taught or inculcated, and no class book can be used, which reflects upon any religious denomination, and no school can be conducted so as to interfere with the religious belief of parents or pupils.

The officers of the board are a President, Vice-President, Secretary and Treasurer, and a Superintendent.

For the support of the schools, the General Council is required by the charter to levy annually a tax of twenty-five cents on each one hundred dollars' worth of real, personal and mixed estate of all kinds, including money, choses in action, except such things as are exempt from taxation by the laws of the United States and of Kentucky.

The assessment on personal estate, moneys, and choses in action, is to be made only so far as the same is in excess of the owner's debts.

The General Council may also levy and collect a tax annually of eight cents on the hundred dollars' worth of real estate, for building or procuring school houses.

No property or funds held by the Board of Trustees can ever be applied to the support of any school or schools not entirely under the same control and management as the public schools of Louisville are.

All vacancies in the Board of Trustees caused by death, removal, or resignation, or other cause, occurring in the interim of a general election, are filled by the board.

Under the city charter, neither the General Council of the city of Louisville nor Board of Trustees of the schools can admit children of the African race to become pupils with white children in these schools. All school taxes paid by persons of the African race within said city must be applied to the education of the children of such persons residing in the city, in separate schools.

Two trustees are elected from each of the twelve wards of the city, making twenty-four members in the Board. Half this number is elected annually. The term for which they are elected is two years.

By the provisions of the charter, section 88, no person shall be eligible as trustee of said schools who has not attained the age of thirty years, and is not the owner of real estate or a housekeeper; who is not a citizen of the United States, and a *bona fide* resident of the ward for which he may be chosen, or who has not been a resident of the Commonwealth of Kentucky for five years, and of the city of Louisville three years next preceding his election; or who holds or discharges any office or agency under the city of Louisville, county of Jefferson, and State of Kentucky, or any department thereof, or any foreign government whatever, except militia officers of Kentucky; or who is at the time of his election directly or indirectly interested in any contract with the said Board of Trustees of Public Schools; or who holds any office of trust or salary in any corporation which holds any contract with said Board of Trustees or the city of Louisville, the terms, rates or prices whereof are subject to modification or enforcement by said Board of Trustees or city of Louisville; or whose father, son, brother, wife, daughter, or sister is employed as a teacher or professor in the male high school, female high school, or any of the public schools of Louisville at the time of his election, or who is a member of either Board of Council, or directly or indirectly interested in the purchase or sale of books or stationery, or both, or agent thereof. And if, after election, any member of said Board of Trustees should move out of the ward for which he was chosen, or become a candidate for, or accept any office or agency, the holding or discharging of which would have rendered him ineligible, or should become directly or indirectly interested in any contract with said Board of Trustees, or if his father, brother, son, wife, daughter, or sister should

be employed as a teacher or professor in either of the said high schools or public schools of Louisville, his seat shall thereby be vacated, and the vacancy shall be supplied as hereinbefore provided.

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#### Statistics of the Public Schools of Louisville for the School Year 1870-71.

Whole number enrolled.....	14,574
Average number belonging.....	10,174
Average daily attendance.....	9,180
Total number teachers employed.....	265
Total cost of the schools.....	\$216,580 49
Cost per pupil in the ward schools.....	14 35
Cost per pupil in male high schools.....	81 47
Cost per pupil in female high schools.....	47 93
Cost per pupil in the ward and high schools.....	16 04

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#### Adjutant General.

JAMES A. DAWSON, of Hart county.

Appointed during good behavior. Salary \$1,200.

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#### Quarter-Master General.

FAYETTE HEWITT, of Hardin county.

Appointed during good behavior. Salary, \$2,400. Salary of 1st clerk \$1,200. Salary of 2d clerk \$1,000.

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#### State Librarian.

GEORGE B. CRITTENDEN, of Frankfort, Franklin county.

Elected by the State Legislature, September 5th, 1871. Salary \$1,000.

## INSURANCE BUREAU.

## Insurance Commissioner.

By act of March 10, 1870, there was established, in connection with the office of Auditor of Public Accounts, a bureau, designated the "Bureau of Insurance," charged with the enforcement of the laws relating to insurance.

Section 2 of said act makes it the duty of the auditor to appoint some suitable person, skilled as an insurance actuary, to take charge of the bureau of insurance, who shall be designated "Insurance Commissioner of the State of Kentucky,"\* who shall hold his office until the expiration of the term for which the auditor making the appointment shall have been elected, and until a successor has been appointed, unless sooner removed by the auditor, with consent of the governor. He shall not be, during his continuance in office, interested in any insurance company, except as a policy-holder.

§ 3. The insurance commissioner shall receive an annual salary of \$4,000. There shall also be paid the sums necessary to secure the clerical and actuarial assistance necessary to the discharge of all the duties devolving by law on the bureau or the commissioner.

§ 4. The State shall not be responsible for the expense of the establishment and future management of the insurance bureau, but the same shall be provided for and paid by the fees and allowances named in this act.

§ 5. The commissioner may appoint a clerk to assist him in the duties of the bureau, who shall receive a salary of \$2,000 per annum. The salaries of the commissioner and

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\* The first insurance commissioner appointed was Gustavus W. Smith, a native of Scott County, Ky. He accepted the appointment in June, 1870, organized the bureau under this act, and now has control of that office.

his clerk shall be paid monthly out of the Treasury of the Commonwealth, out of the insurance fund, in the same manner as other salaries are paid. The auditor shall assign other clerks to aid the commissioner when it may become necessary.\*

§ 6. The commissioner shall appoint one of his clerks to be his deputy, who shall possess the powers and perform all the duties attached by law to the office of principal, during a vacancy in such office, and during the absence or inability of his principal. The principal commissioner, and his deputy, and any person authorized by them to perform a special duty, shall be empowered to administer oaths in the discharge of their several duties.

§ 7. The commissioner and his deputy, before entering on the discharge of their duties, shall take and subscribe the oath of office prescribed by the Constitution and laws of this State, which shall be filed and preserved in the office of the Secretary of the State; and the commissioner shall also execute a bond, with sufficient sureties, to be approved by the Governor, in the penal sum of \$20,000, for the faithful discharge of all the duties of his office.

§ 8. The commissioner shall visit and examine any insurance company incorporated in this State, on requisition by five or more persons, each of whom is a stockholder or creditor, or pecuniarily interested in such company; which requisition shall contain a statement made under oath, by the five or more persons making it, that they believe the company to be in an unsound condition, and shall state the grounds of such belief; and also

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\* There are eight clerks besides the deputy commissioner, one of these is paid \$2,000 a year; two are paid \$1,800 a year each; two are paid \$1,500 a year each; two are paid \$1,200 a year each, and one is paid \$1,000 a year.

whenever he deems an examination necessary, or suspects the correctness of any annual statement, or that the affairs of any company making such statement are in an unsound condition.

MAY EXAMINE UNDER OATH, DIRECTORS, OFFICERS, ETC.

§ 12. He shall annually, in September, furnish to the insurance companies of this State, and to agents of insurance companies not incorporated in this State, and doing business therein, so far as their agents are known to him, two or more printed copies of the forms of annual returns to be made to him by all such companies.

§ 13. Upon some day in each year designated by him, the commissioner shall calculate the existing values of all outstanding policies of life insurance in companies authorized to make insurance on lives in this State, according to the standard designated and established by the laws of this State: *Provided, however,* That if any company incorporated by any State where a regularly organized insurance bureau or department exists, shall furnish a certificate under seal, in due form, of the insurance commissioner or superintendent, setting forth the existing values of all its outstanding policies, such certificate shall be received as evidence by the insurance commissioner of this Commonwealth, and no valuation of the policies of such company shall be made by him. The cost of making every valuation under this section shall be assessed on the company whose policies are so valued.

§ 15. The commissioner shall keep and preserve, in a permanent form, a full record of his proceedings, including a concise statement of the condition of each company visited or examined by him.

§ 16. The records of said insurance bureau shall, at all times, be open to the inspection of the public, subject to

such rules as may be made by the commissioner for their safe-keeping, free from any charge whatever; and he shall, on demand, furnish certified copies of any paper, report, or document on file in his office to any person requesting the same, upon payment of the fees allowed by law.

#### FEES PAID TO THE AUDITOR.

There shall be collected and paid to the auditor and commissioner the following fees and allowances, viz:

To the auditor for ex-officio services to be rendered by him:

For filing copy of charter or other articles of association or deed of settlement, not before filed, and keeping the same -----	\$10 00
For license to each agent of fire companies, and certificate of seal of office for each-----	5 00
And for license to each agent of life companies, and certificate of seal of office for each-----	10 00

Fees collected by the commissioner, for the use of the treasury, to defray expenses of the bureau:

For filing in his office original charter, deeds of settlement, or other articles of association, each-----	\$40 00
For filing declaration of intention to form an insurance company-----	50 00
For filing annual statement of condition, etc., required to be made in forms furnished by him, as per section 12, each-----	40 00
For any additional or supplemental statement for the same year -----	25 00
For seal of office with certificate-----	1 00
For copies of any paper on file or deposit with the treasurer or in his office, 20 cents per folio.	
For original deposit of securities required by law-----	10 00
For any change of securities in the aggregate-----	1 00
For cost of making valuations under section thirteen, not to exceed three cents on every one thousand dollars of insurance effected	

And the said commissioner is authorized to assess an equal amount upon each insurance company doing busi-

ness in this Commonwealth to provide for any deficiency for defraying the expenses of the bureau.

Acts 1869-70, pages 77 to 82 inclusive.

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Acts, regular session, 1869-70, page 90.

AN ACT to amend an act, entitled "an act to establish an Insurance Bureau," passed by the present General Assembly.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in addition to the fees allowed to the auditor and commissioner,\* by the ninth section of an act to establish an insurance bureau, the treasurer shall be allowed, annually, the sum of six hundred dollars, for services required of him by an act for the incorporation and regulation of life insurance companies, to be paid in the same manner, and out of the same fund, which the insurance commissioner is paid.

§ 2. This act shall take effect from its passage.

Approved March 14, 1870.

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#### Keeper of State Penitentiary.

J. W. SOUTH, of Breathitt County.

Elected by the State Legislature, session 1869-70.

The rental term of J. W. South commenced March 1, 1871, and runs four years, at eight thousand dollars per annum.

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#### Public Printer.

S. I. M. MAJOR, of Frankfort, Franklin County.

Elected session 1871-72.

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#### Public Binder.

JOHN MARTIN, JR., of McCracken County.

Elected session 1871-72.

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\*The commissioner is paid a fixed salary, and is not allowed any fees. He collects certain prescribed fees and deposits all of them with the treasurer of the State to defray the expenses of the insurance bureau.

## LEGISLATIVE DEPARTMENT.

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§ 1. The Legislative power shall be vested in a House of Representatives and Senate, which together shall be styled the General Assembly of the Commonwealth of Kentucky.

§ 2. The members of the General Assembly shall severally receive from the public treasury a compensation for their services, which shall be three dollars a day during their attendance on, and twelve and a half cents per mile for the necessary travel in going to, and returning from, the sessions of their respective houses: *Provided*, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made; nor shall a session of the General Assembly continue beyond sixty days except by a vote of two-thirds of all the members elected to each house, but this shall not apply to the first session held under the Constitution.

§ 3. The General Assembly shall convene on the first Monday in November, after the adoption of this Constitution, and again on the first Monday in November, 1851, and on the same day of every second year thereafter, unless a different day be appointed by law, and their sessions shall be held at the seat of Government.

## SENATE.

§ 4. At every apportionment of representatives, the State shall be laid off into thirty-eight Senatorial Districts, which shall be so formed as to contain, as near as may be, an equal number of qualified voters, and so that no county shall be divided in the formation of a Senatorial District, except such county shall be entitled, under the enumeration, to two or more Senators; and where two or more counties compose a district they shall be adjoining.

§ 5. One Senator for each district shall be elected by the qualified voters therein, who shall vote in the precincts where they reside at the places where elections are by law directed to be held.

§ 6. No person shall be a Senator, who, at the time of his election, is not a citizen of the United States, has not attained the age of thirty years, and who has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

§ 7. The election for Senators, next after the first apportionment under the Constitution, shall be general throughout the State, and at the same time that the election for Representatives is held, and thereafter there shall be a biennial election for Senators to fill the places of those whose term of service may have expired.

§ 8. The Lieutenant Governor is ex-officio Speaker of the Senate; and while discharging the duties, receives \$6 per diem.

§ 8. Senators shall be chosen for the term of four years, and the Senate shall have power to choose its officers biennially.

§ 10. The number of Senators shall be thirty-eight.

**List of the members of the Kentucky State Senate,  
Regular Session of 1871-72.**

DIST.	TERM.	NAME.	POST-OFFICE.	COUNTY.
	4 yrs	John G. Carlisle	Covington	Kenton.
11th	4 yrs	John S. Barlow	Cave City	Barren.
38th	2 yrs	Robert Boyd	London	Laurel.
15th	2 yrs.	R. A. Burton	Lebanon	Marion.
6th	4 yrs	E. P. Campbell	Hopkinsv'e	Christian.
24th	2 yrs	James B. Casey	Covington	Kenton.
19th	2 yrs	W. H. Chelf	Greensb'rg	Green.
20th	2 yrs	J. Q. Chenoweth	Harrodsb'g	Mercer.
5th	4 yrs	James F. Clay	Henderson	Henderson.
29th	2 yrs	Harrison Cockrill	Irvine	Estill.
9th	2 yrs	W. L. Copklin	Litchfield	Grayson.
28th	2 yrs	G. W. Connor	Owingsv'e	Bath.
34th	4 yrs	John E. Cooper	W. Liberty	Morgan.
4th	4 yrs	F. W. Darby	Princeton	Caldwell.
23d	2 yrs	J. H. Dorman	Owenton	Owen.
22d	4 yrs	William P. Duvall	Stamp. Gr'd	Scott.
17th	2 yrs	W. McKee Fox	Somerset	Pulaski.
12th	4 yrs	W. W. Frazer	Allensville	Todd.
13th	4 yrs	John J. Gatewood	Scottsville	Allen.
2d	4 yrs	Jesse C. Gilbert	Benton	Marshall.
16th	4 yrs	D. R. Haggard	Burksville	Cumber'l'd.
1st	4 yrs	H. S. Hale	Mayfield	Graves.
30th	4 yrs	Thomas F. Hargis	Carlisle	Nicholas.
7th	2 yrs	Edwin Hawes	Yelvington	Daviess.
10th	2 yrs	J. B. Haydon	Elizabeth'	Hardin.
3d	4 yrs	G. A. C. Holt	Murray	Calloway.
8th	2 yrs	John W. Johnson	Calhoun	McLean.
14th	2 yrs	William Johnson	Bardstown	Nelson.
33d	4 yrs	A. L. Martin	Prestonb'g	Floyd.
27th	2 yrs	A. L. McAfee	Nicholasv'e	Jessamine.
26th	4 yrs	O. D. McManama	Williamsto'	Grant.
37th	4 yrs	Alfred T. Pope	Louisville	Jefferson.
32d	2 yrs	K. F. Prichard	Catlettsb'g	Boyd.
35th	4 yrs	E. D. Standeford	Louisville	Jefferson.
18th	2 yrs	A. G. Talbott	Danville	Boyle.
21st	2 yrs	W. L. Vories	Smithfield	Henry.
36th	4 yrs	Benj. J. Webb	Louisville	Jefferson.
31st	2 yrs	Emery Whitaker	Maysville	Mason.
25th	2 yrs	Thomas Wrightson	Newport	Campbell.
		J. R. Hawkins, Clerk	Frankfort	Franklin.
		Jno. L. Sneed, Assistant Cl'k	Frankfort	Franklin.
		D. D. Sublett, Serg't-at-Arms	Salyersv'le	Magoffin.
		J. B. Reed, Door-keeper	Louisville	Jefferson.
		R. G. Burton, Enrolling Clerk	Richmond	Madison.

## HOUSE OF REPRESENTATIVES.

§ 3. Representatives shall be chosen on the first Monday in August, in every second year; and the mode of holding the elections shall be regulated by law.

§ 4. No person shall be a Representative, who, at the time of his election, is not a citizen of the United States, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town, or city, for which he may be chosen.

§ 2. The members of the House of Representatives shall continue in service for the term of two years from the day of the general election, and no longer.

§ 7. The House of Representatives shall choose its Speaker and other officers.

§ 13. The number of Representatives shall be one hundred.

## Representatives for the Regular Session of 1871-2.

NAMES.	COUNTY.	POST OFFICE.
Mr. Speaker (J. B. McCreary)	Madison	Richmond.
William A. Allen	Meade	Union Star.
George W. Anderson	Jefferson	Louisville.
A. C. Armstrong	Bracken	Augusta.
A. S. Arnold	Hickman	Clinton.
W. W. Ayers	Calloway	Murray.
G. W. Bailey	Webster	Sebree City.
R. Tarv. Baker	Campbell	Alexandria.
W. W. Baldwin	Mason	Maysville.
Alpheus W. Bascom	Bath	Owingsville.
W. R. Bates	Barren	Glasgow.
W. N. Beckham	Nelson	Bardstown.
John A. Bell	Scott	Georgetown.
S. C. Bell	Metcalfe	Edmonton.
J. S. C. Blackburn	Woodford	Spring Station.
Church H. Blakey	Logan	Auburn.

NAMES.	COUNTY.	POST OFFICE.
William F. Bond	Anderson	Lawrenceburg,
W. B. M. Brooks	Bullitt	Mt. Vito.
W. W. Bush	Simpson	Franklin.
Thomas P. Cardwell	Breathitt	Jackson.
Robert M. Carlisle	Kenton	Walton.
Jahn S. Carpenter	Jefferson	Louisville.
George Carter	Lawrence	Louisa.
B. E. Casselly	Jefferson	Louisville.
James S Chrisman	Wayne	Monticello.
C. M. Clay, jr.	Bourbon	Paris.
J. Guthrie Coke	Jefferson	Louisville.
Josiah H. Combs	Perry	Hazard.
William G. Conrad	Grant	Dry Ridge.
Thomas H Corbett	Ballard	Blandville.
R. D. Cook	Rockcastle	Mt. Vernon.
R. H. Cooper	Mason	Orangeburg.
J. E. Cossen	Pulaski	Somerset.
Joseph M. Davidson	Floyd	Prestonsburg.
W. W. Deaderick	Pendleton	Falmouth.
John W. Dyer	Union	Caseyville.
Walter Evans	Christian	Hopkinsville.
W. H. Evans	Josh Bell	Yellow Creek.
M. Woods Ferguson	Jefferson	Louisville.
T. S Fish	Boone	Florence.
James B. Fitzpatrick	Letcher	Whitestburg.
Manlius T. Flippin	Monroe	Tompkinsville.
C. D. Foote	Kenton	Covington.
Joseph P. Foree	Shelby	Christiansburg.
James Garnett	Adair	Columbia.
Wm. Cassius Goodloe	Fayette	Lexington.
E. A. Graves	Marion	Lebanon.
C. P. Gray	Clinton	Albany.
Clinton Griffith	Daviess	Owensboro.
J. P. Hampton	Owsley	Boonville.
William A. Hoskins	Boyle	Danville.
George M. Jessee	Henry	New Castle.
E. Polk Johnson	Jefferson	Long Run Station.
Thomas M. Johnson	Taylor	Campbellsville.
T. J. Jones	Graves	Mayfield.
L. W. Lassing	Boone	Burlington.
J. S. Lawson	Nicholas	Headquarters.
G. W. Little	Whitley	Whitley C. H.
J. J. McAfee	Mercer	Harrodsburg.
J. A. McCampbell	Jessamine	Nicholasville.
Bryan S. McClure	Russell	Jamestown.

NAMES	COUNTY.	POST OFFICE.
William J. McElroy	Allen	Butlersville.
M. E. McKenzie	Trigg	Cadiz.
T. J. Megibben	Harrison	Cynthiana.
J. C. Moorman	Muhlenburg	South Carrollton.
W. A. Moran	Campbell	Flagg Springs.
William Mynheir	Morgan	West Liberty.
J. L. Nall	Hardin	Elizabethtown.
Mat. Nunan	Washington	Springfield.
John W. Ogilvie	McCracken	Paducah.
Julian N. Phelps	Butler	Brocklin.
Lewis Potter	Warren	Bowling Green.
Hiram S. Powell	Jackson	McKee.
W. L. Reeves	Todd	Elkton.
E. A. Robertson	Fleming	Tilton.
John Rowan	McLean	Livermore.
John P. Rowlett	Hart	Munfordsville.
J. P. Sacksteder	Jefferson	Louisville.
J. R. Sanders	Trimble	Bedford.
Samuel M. Sanders	Larue	Buffalo.
C. C. Scales	Kenton	Covington.
William Sellers	Garrard	Lancaster.
James W. Snyder	Hancock	Pellville.
William Tarlton	Oldham	Goshen.
J. S. Taylor	Ohio	Hartford.
Geo. H. Thomas	Lewis	Vanceburg.
C. W. Threlkeld	Owen	Owenton.
Harry I. Todd	Franklin	Frankfort.
L. W. Trafton	Henderson	Henderson.
Joseph T. Tucker	Clark	Winchester.
T. W. Varnon	Lincoln	Stanford.
E. F. Waide	Jefferson	Louisville.
T. J. Walker	Lewis	Mt. Carmel.
J. L. Waring	Greenup	Greenupsburg.
C. H. Webb	Livingston	Smithland.
J. M. White	Grayson	Millerstown.
Mordecia Williams	Boyd	Catlettsburg.
F. A. Wilson	Lyon	Eddyville.
Jonas D. Wilson	Breckinridge	Cloverport.
J. N. Woods	Crittenden	Marion.
S. H. Woolfolk	Hopkins	Madisonville.
J. M. Wright	Jefferson	Louisville.
M. T. Chrismann, Clerk	Boyle	Danville.
Thomas S. Pettit, Ass. Clerk	Daviess	Owensboro.
R. A. Thomson, Sgt-at-Arms	Franklin	Frankfort.
R. G. King, Door-keeper	Simpson	Franklin.

**Senators and Representatives.**

That in the lieu of stationery heretofore furnished members of the General Assembly, there shall be allowed to each member thereof, (including the Lieutenant Governor), the sums following: To each Senator the sum of thirty-five dollars, and to each Representative the sum of twenty dollars, and for which sums the Auditor shall draw his warrant on the Treasurer in favor of such Senators and Representatives, at the close of each session of the General Assembly, to be paid out of any money in the treasury not otherwise appropriated. *Provided, however,* that five dollars additional shall be allowed to each Chairman of the several committees of the two houses.

Acts of 1867-8, page 99.

Members of the State Senate and House of Representatives are entitled to \$5 *per diem* during sessions, and mileage, 15 cents per mile, going and coming.

Speaker of the House \$10 per day during session, (appropriation).

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**Principal Officers of the State.**

(Recapitulation.)

X PRESTON H. LESLIE, Governor.

A. J. JAMES, Secretary of State.

Wm. H. BOTTS, Assistant Secretary of State.

D. HOWARD SMITH, Auditor.

JAS. M. WITHROW, Assistant.

JAMES W. TATE, Treasurer.

J. A. GRANT, Register.

RICHARD SHARP, 1st Clerk.

H. A. M. HENDERSON, Superintendent Public Instruction.

JAMES A. DAWSON, Adjutant General.

FAYETTE HEWITT, Quartermaster General.

G. W. SMITH, Insurance Commissioner.

HENRY T. STANTON, Assistant Insurance Commis-  
sioner.

GEORGE B. CRITTENDEN, Librarian.

J. W. SOUTH, Keeper of Penitentiary.

S. I. M. MAJOR, Public Printer.

A. C. VALLANDIGHAM, Public Binder.

# JUDICIARY DEPARTMENT.

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§ 1. The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one Supreme Court, (to be styled the Court of Appeals), the Courts established by this Constitution, and such Courts, inferior to the Supreme Court, as the General Assembly may from time to time, exact and establish.

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## Court of Appeals.

§ 2. The Court of Appeals shall consist of four Judges any three of whom may constitute a Court for the transaction of business. The General Assembly, at its first session after the adoption of this Constitution, shall divide the State, by counties, into four districts, as nearly equal in voting population, and with as convenient limits as may be, in each of which the qualified voters shall elect one Judge of the Court of Appeals: *Provided*, that whenever a vacancy shall occur in said Court, from any cause, the General Assembly shall have the power to reduce the number of Judges and districts; but in no event shall there be less than three Judges and districts. Should a change in the number of Judges in the Court of Appeals be made, the term of office and number of districts shall be so changed as to preserve the principle of electing one Judge every two years.

§ 3. No person shall be eligible to the office of Judge

of the Court of Appeals, who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, and whose service upon the bench of any Court of record, when added to the time he may have practiced law, shall not be equal to eight years.

§ 4. The Judges of the Court of Appeals shall, after their first term, hold their offices for eight years, from and after their election, and until their successors shall be duly qualified, subject to the conditions hereinafter prescribed; but for any reasonable cause, the Governor shall remove any of them on the address of two-thirds of each house of the General Assembly: *Provided, however,* that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house. They shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during the time for which they shall have been elected.

§ 5. The Judges first elected shall serve as follows, to-wit: one shall serve until the first Monday in August, 1852; one until the first Monday in August, 1865; and one until the first Monday in August, 1866; and one until the first Monday in August, 1868. The Judges, at the first term of the Court succeeding their election, shall determine by lot, the length of time which each one shall serve; and at the expiration of the service of each, an election in the proper district shall take place to fill the vacancy. The Judge having the shortest time to serve shall be styled the Chief Justice of Kentucky.

§ 6. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State, un-

der such restrictions and regulations, not repugnant to this Constitution, as may, from time to time, be prescribed by law.

§ 7. The Court of Appeals shall hold its sessions at the seat of government, unless otherwise directed by law; but the General Assembly may, from time to time, direct that said Court shall hold sessions in any one or more of said districts.

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#### Origin of the Court of Appeals.

First act creating the Court of Appeals, approved June 28, 1792. A chief justice and two associated judges (only three judges). Salaries £200 each. December 19, 1792.

Second act December 19, 1796. Still three judges.

By act of January 30, 1813, judges' salaries increased \$500 more. December 17, 1825, salaries increased to \$1,000.

The act of December 19, 1801, increased the number of judges from three to four, and the four continued until by the act of January 30, 1813. This act repeals the act of December 19, 1801, creating the four judges, and restricting the court to three only. But the fourth judge was restored again by what was called the reorganizing act—or *new* court act, December 24, 1824. This was only temporary, as by the act of December 30, 1826, the new court act of December 24, 1824, was repealed, and the three old court judges restored, and the three judges were continued until the adoption of the new constitution in 1851.

When the revised statutes took effect in July, 1852, the annual salaries of the appellate judges was fixed at \$1,500, but by act of March 9, 1854, the salaries were increased to \$2,000.

By act of February 9, 1858, increased to \$2,500.

By act of January 19, 1866, increased to \$2,700.

By act of January 23, 1867, increased to \$4,000.

By act of January 19, 1871, increased to \$5,000.

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### Chief Justices.

1st. Harry Innis, commissioned June 28, 1792.

2d. George Muter, commissioned December 7, 1792.

3d. Thomas Todd, commissioned December 3, 1806.

4th. Felix Grundy, commissioned April 11, 1807.

5th. Ninian Edwards, commissioned January 5, 1808.

6th. George M. Bibb, commissioned May 30, 1809.

7th. John Boyle, commissioned March 20, 1810.

8th. George M. Bibb, commissioned January 5, 1827.

9th. George Robertson, commissioned Dec. 24, 1829.

10th. E. M. Ewing, commissioned April 7, 1843.

11th. Thomas A. Marshall, commissioned June 1, 1847.

The foregoing were all of the chief justices up to the new constitution in 1851. Then, under the organization of said court under the new constitution, Elijah Hise, from first Monday in August, 1852, to first Monday in August, 1854.

Thomas A. Marshall, from first Monday in August, 1854, to first Monday in August, 1856.

B. Mills Crenshaw, from first Monday in August, 1856, to his death, May 5, 1857.

Zachariah Wheat, from June 15, 1857, to first Monday in August, 1858.

James Simpson, from first Monday in August, 1858, to first Monday in August, 1860.

Henry J. Stites, from first Monday in August, 1860, to first Monday in August, 1862.

Alvin Duvall, from first Monday in August, 1862, to first Monday in August, 1864.

Joshua F. Bullitt, from first Monday in August, 1864, to June 5, 1865.

William Sampson, from June 5, 1865 to his death, February 5, 1866.

Belvard J. Peters, from first Monday in August, 1866, to first Monday in August, 1868.

Rufus K. Williams, from first Monday in August, 1868, to first Monday in August, 1870.

George Robertson, from August, 1870, up to his resignation, at Governor Leslie's inauguration. Then the Governor appointed W. S. Pryor, who is at this time the chief justice.

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#### Jurisdiction of the Court of Appeals.

Under the authority conferred by the Constitution of Kentucky, the Legislature has, in the codes of practice, and in other subsequent statutes, defined and regulated the jurisdiction of this court in civil and in criminal cases.

##### FIRST, IN CIVIL CASES—

The court of appeals has jurisdiction over the final orders and judgments of all other courts of the State, subject to the following exceptions: Where the proceeding is for money or personal property, and the matter in controversy is less than fifty dollars, or where the judgment grants a divorce, or where the judgment or order is by the quarterly court, county court, police court, city or mayor's court, or justices' court, and an appeal is given to the quarterly or circuit court.

Civil Code, sections 15, 16.

Under these two provisions of the Code, numerous cases have arisen, involving the questions, what constitutes a *final order or judgment*, and what constitutes the *amount in controversy*. References to the principal cases on those

subjects will be found in Myers' edition of the Code, pages 255 to 258 inclusive.

Jurisdiction is also given to this court over a judgment upon *caveat*, and on behalf of the Commonwealth, over the judgment on an application for a mandamus.

Civil Code, sections 522, 527.

#### SECOND, IN CRIMINAL CASES —

By the "Code of Practice in Criminal Cases," which took effect on the first day of July, 1854, appellate jurisdiction was given to the court of appeals in prosecutions for felonies, and in prosecutions for misdemeanors, subject to various well defined restrictions.

In prosecutions for felonies, the defendant can appeal from a final judgment only. The appeal must be prayed during the term at which the judgment was rendered; it must be allowed by one of the Judges of the Court of Appeals after an examination of the record; and the record, with the Judge's certificate of the allowance of the appeal, must be filed in the Clerk's office of the Court of Appeals within sixty days after the judgment. The refusal of the Judge to allow the appeal is final.

The court has jurisdiction to reverse a judgment of conviction only for the following errors: 1. An error in admitting or rejecting important evidence. 2. In instructing, or refusing to instruct, the jury. 3. In failing to arrest the judgment, in allowing or disallowing a pre-emptory challenge.

Crim. Code, secs. 328 to 324.

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When the Attorney General, on inspecting the record, is satisfied that error has been committed to the prejudice of the Commonwealth, and upon which he deems it important that the Court of Appeals should decide, he may

take an appeal by filing the record within sixty days after the decision. But a judgment in favor of the defendant, which operates as a bar to a future prosecution for the offense, shall not be reversed.

Secs. 331-333.

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The Court of Appeals have appellate jurisdiction in all prosecutions for misdemeanors, except where the only punishment is a fine of fifty dollars or not exceeding that amount, or imprisonment not exceeding thirty days, or both fine and imprisonment not exceeding the amounts specified.

The appeal must be prayed during the term at which the judgment was rendered, and the record must be filed within sixty days thereafter.

Secs. 342-343.

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The judgment can be reversed only for error of law appearing on the record, to the prejudice of the appellant. But the following errors are not sufficient for reversal:

1. An error in allowing or overruling a challenge to the panel, or a challenge for cause.
2. An error in not setting aside an indictment or in overruling a demurrer thereto.
3. An error in granting or refusing a new trial.

Secs. 348-349.

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The Court of Appeals have exclusive jurisdiction of proceedings for the removal of Clerks of Courts from office.

Sec. 10. See also Constitution, Sec. 39, Art. 4.

## CHAPTER 291.

*Acts Regular Session, 1871-2, page 33.*

AN ACT to amend section thirty-seven, chapter one, title three, Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section thirty-seven, chapter one, Civil Code of Practice, be, and the same is, so amended as to apply to all civil actions which may hereafter be pending before the Court of Appeals.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1872.

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Clerk Court of Appeals.

§ 8. There shall be elected, by the qualified voters of this State, a Clerk of the Court of Appeals, who shall hold his office, from the first election, until the first Monday in August, 1858, and thereafter for the term of eight years from and after his election; and should the General Assembly branch the Court of Appeals, a Clerk shall be elected in each District of the Court.

§ 9. No person shall be eligible to the office of Clerk of the Court of Appeals, unless he be a citizen of the United States, a resident of the State two years next preceding his election, of the age of twenty-one years, and have a certificate from a Judge of the Court of Appeals, or a Judge of the Circuit Court, that he has been examined by the Clerk of his Court, under his supervision, and that he is qualified for the office for which he is a candidate.

The first election of the Judges and Clerk of the Court of Appeals, took place on the second Monday in May, 1851.

## CHAPTER 1091.

Acts Adjourned Session, January, 1867, page 11.

AN ACT concerning the Court of Appeals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the terms of the Court of Appeals shall be extended to one hundred judicial days at each term, and as much longer as shall be deemed necessary to complete the business of each term: *Provided*, That it shall be the duty of the court to dispose of every cause pending in said court at the same term at which the same may be submitted for hearing, and not to adjourn finally until decisions are rendered in all causes which may have been entered heard by the court.

§ 2. The Clerk of the court shall docket the causes pending therein by Circuit Court districts.

§ 3. The salary of the Judges of said court shall be four thousand dollars each, commencing from the 1st day of January, one thousand eight hundred and sixty-seven.\*

§ 4. This act shall be in force from its passage.

Approved January 23, 1867.

## CHAPTER 1174.

Acts adjourned session (January, 1871,) of 1869-70  
page 10.

AN ACT concerning the Court of Appeals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the terms of the court of appeals, as now fixed by law, are abolished, except as provided in the next section. Said court shall hereafter sit every judicial day in

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\* Salaries increased to \$5,000 each. See act January 30, 1871

each and every year, except the months of July and August, and from the twenty-third of December to the second day of January following, if it shall be necessary for the disposal of all the business upon the docket.

§ 2. The terms as now fixed by law shall be counted and regarded as terms, within the meaning of all the provisions of existing laws, which require anything to be done before the commencement of a term, or after the end of a term, or within a certain number of terms.

§ 3. The judges of said court shall each receive a salary of five thousand dollars.

§ 4. If the judges, or either of them, fail to attend the sittings of the court, as herein required, the court shall direct the clerk to certify to the Auditor, on the first day of January and July in each year, the number of days of such failure, and the Auditor shall deduct from the increase of salary here allowed an amount equal to the pay per day for each of said days such judge or judges shall fail to attend, unless the court shall be satisfied such failure was the result of inevitable casualty or misfortune.

§ 5. All existing laws inconsistent with this act are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Approved January 30, 1871.

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#### Tax on Appeals.

The tax on appeals to the Court of Appeals is one dollar and must be paid in advance to the clerk of said court, to be accounted for by him according to law.

Act March 9, 1854.

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Clerk of Court of Appeals not to issue fee-bill for copy

of a record in an appeal case, unless a copy was ordered by a party to the record who is interested in the case, his agent or attorney, and the record actually made out correctly, in pursuance of such order.

Act March 3, 1856, page 54.

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The Court of Appeals have power to condemn a transcript of a record, sent up from an inferior court, and when condemned, the clerk of the inferior court shall not receive any compensation for such imperfect record.

Act February 17, 1858, page 72.

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#### Clerk's Fees.

The fees of the Clerk of the Court of Appeals shall be the same, and no more, than are or may be allowed by law to the Clerks of the Circuit Courts for similar services.

Act February 25, 1865.

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The Auditor to furnish upon the order of the Court, all stationery that may be necessary for use of the Court in the proper discharge of their official duties.

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Where record is lost or destroyed, another copy may be supplied from the lower court—or a copy of lost record may be used,—original papers lost, copies may be used. If no copy, contents may be proved. Opinions and mandates lost,—copies from lower courts to be used.

Act December 9, 1865, page 2.

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Clerk Court of Appeals may issue fee bills and executions for gross sum when record destroyed.

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When the Court of Appeals renders a judgment or

decrece, in whole or in part, the appellee shall pay to appellant such costs as the Court in its discretion may award.

Act March 10, 1853-4.

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## CHAPTER 833.

### Acts 1867-68, page 40.

AN ACT to amend Section 879 of the Civil Code of Practice.

§ 1. That it shall be the duty of the appellants or their counsel, upon filing the transcript of a record in the Clerk's office of the Court of Appeals, to endorse thereon, or on some paper to be filed therewith, the names of *all the parties*, appellant and appellee, as the case is desired to stand on the docket of the Court; *and no case shall be docketed by the Clerk until such indorsement be made.*

§ 2. It shall be the further duty of the appellants or their council to refer, in said indorsement, to the judgment sought to be reversed, designating the page of the record where it may be found, and the term at which it was rendered and state whether an appeal was granted in the court below or not.

Approved March 6, 1868.

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## CHAPTER 834.

### Acts 1867-68, page 40, 41.

AN ACT to amend Section 900 of the Civil Code of Practice.

§ 1. That no mandate shall issue, or decision become final, until after *thirty days*, excluding Sundays, from the time the decision was rendered, unless the court, in delay cases, and in cases involving no difficult question of law or fact, otherwise direct: *Provided*, That if the thirty days

aforesaid shall expire in a vacation or recess of the court, the written order of any one of the Appellate Judges, filed in the Clerk's office within said thirty days, shall have the same effect to suspend the mandate, by allowing a petition for rehearing to be filed, or by allowing time to file such petition, as if such order had been made in open court.

Approved March 6, 1868.

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**Rules Adopted October 10, 1868.**

The following were ordered to be recorded as rules of practice of this court:

1. But two oral arguments on each side will be allowed in any case, and every such argument will be limited to one hour.
  2. Where the appellant shall fail to appear, on the calling of the cause, either by himself or counsel, or by brief, the appellee shall, on his appearance, either by himself or counsel, or by brief, be entitled to a non-suit, and the court will, in such cases, so order.
  3. In every case hereafter entered, *heard*, or *submitted*, it shall be the duty of the Clerk to send to the court, on the same day, the record and papers pertaining to such case.
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**Rule Adopted October 20, 1868.**

Records not made out in a legible handwriting, or not indexed, are to be condemned, and the Clerk making out such record to be prohibited from collecting anything therefor; and the Clerk of this court will disregard the expense thereof in taxing costs without any special order in the case,

**Rule Adopted July 7, 1869.**

The Clerk of the court shall put no case on the docket until the attorneys shall make a memorandum on the record of all the parties, appellants and appellees, and the judgment appealed from, designating the page of the record and the term of the court at which it was rendered.

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**Reporter Court of Appeals.**

The Reporter of the decisions of the Court of Appeals receives his appointment from the Judges of said Court; is indefinitely appointed.

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**Compensation of Reporter, etc.**

The Reporter of the Court of Appeals is allowed after the rate of one dollar and fifty cents for every one hundred pages of the decisions, tables, and indexes and marginal notes. The Court of Appeals to certify that the work meets their approval and was published by their consent, before payment.

Act February 22, 1865, page 41.

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**Officers Court of Appeals.**

WILLIAM S. PRYOR, Chief Justice.

M. R. HARDIN, B. J. PETERS, WM. LINDSAY, Associate Judges.

JOHN RODMAN, Attorney General.

W. P. D. BUSH, Reporter.

ALVIN DUVALL, Clerk.

CHAS. HAYDEN, Deputy Clerk.

G. A. ROBERTSON, Sergeant-at-arms.

A. W. VALLANDIGHAM, Tip Staff.

A. GREENWOOD, Janitor.

Sergeant-at-arms and Tip Staff of the Court of Appeals.

The Sergeant-at-arms and Tip Staff of the Court of Appeals, shall each receive three dollars per day for each day they attend the sessions of the Court of Appeals.

Act March 4, 1865, page 63.

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That hereafter the Sergeant-at-arms, Tip Staff, and Janitor of the Court of Appeals, shall be entitled to draw their pay monthly, as other officers of this Commonwealth.

Acts adjourned session (January, 1871) of 1869-70.

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**Jefferson Court of Common Pleas.**

Court always open, and all summons executed in any action in said Court twenty days, if executed within Jefferson county, or thirty days, if executed in any other county of the State, shall be sufficient to authorize the plaintiff or defendant to set the action on the trial docket for hearing or trial.

That actions in said Court which are not contested shall be tried or heard in open court as they are placed for trial on the trial docket and called, unless the judge shall take time to consider the law or fact in any such action, or unless time is given for argument of either law or facts, and then the Court may lay over any such action to a future day.

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**Pro Tem Judge.**

Should the Judge of said Court be unable, from sickness or other cause, to discharge his duties, the clerk of the Court, or his deputy clerk, shall hold an election for Judge *pro tem.* by notifying the practicing attorneys at

law of said Court, of the time and place of the election; and the said attorneys at law may elect, *viva voce*, one of their own number to act and perform all the duties of said Judge, during his absence or inability to discharge his duties; and the Judge *pro tem.* shall possess the same qualifications and take the same oaths of office required of circuit Judges, and shall have and possess and exercise all the authority and power conferred by law upon the Jefferson Court of Common Pleas, when acting as Judge *pro tem.*, and for his services shall be entitled, *pro rata*, to the same rate of salary, to be paid in the same manner, for the time he served, as paid to the Judge of said Court. The clerk shall enter of record, upon the order book of the Court, said election and qualification of the Judge *pro tem.*, and shall certify to the Auditor of Public Accounts the number of days the *pro tem.* Judge holds said Court.

The Judge of said Court may appoint Commissioners to take depositions in said Court. Such Commissioners shall receive the compensation now provided by law, for taking depositions: *Provided, however,* that when a deposition is of unusual length, the Court may allow an additional fee for taking the same; and when in consequence of the sickness or other disability of a witness to attend at the Commissioner's office, he shall be allowed double fee for going to the witness.

Act March 9, 1868.

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Attachments for rent within the county of Jefferson, when the amount is more than fifty dollars, shall be returned before the County Court of said county, instead of the Jefferson Circuit Court.

Act approved February 14, 1865, page 39.

**Louisville Chancery Court.**

The Louisville Chancery Court may order mutilated books to be copied, a reasonable fee being allowed the clerk.

Act March 6, 1868, page 42.

**Vice Chancellor of the Louisville Chancery Court.**

VICE CHANCELLOR TO BE ELECTED FOR SIX YEARS, AND HIS COMPENSATION, JURISDICTION, ETC.—

**CHAPTER 786.**

Acts Regular Session, 1871-72, pages 66 to 68 inclusive.

AN ACT to provide for the election and compensation of a vice chancellor of the Louisville Chancery Court, and to define his duties in connection with said court, and with the Jefferson Court of Common Pleas, and to provide a room and offices for his court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There shall be elected at the next general election, by the qualified voters of Jefferson County, and every six years thereafter, a vice chancellor of the Louisville Chancery Court, who shall hold his office for the term of six years, and shall receive the same compensation, and have the same qualifications, as the chancellor of said court; and all laws of the State, or ordinances of the common council of the city of Louisville, in relation to the compensation of the chancellor, shall apply equally to the compensation of the vice chancellor.

§ 2. It shall be the duty of said vice chancellor to discharge the duties of chancellor in the absence of the chancellor, or in case of his incapacity, from any reason, to sit in any cause; and also to hear and determine any other causes or questions which may be assigned to him by the chancellor. He shall in nowise interfere with or change the rules of said court, but shall be governed by them.

§ 3. In the absence of the judge of the Jefferson Court of Common Pleas, it shall be competent for said vice chancellor to hold the court in place of said judge; and all orders and proceedings, trials and judgments, before him, shall be as valid as if done before the judge of said court; or when said judge is incapacitated to try any cause, it shall be the duty of the vice chancellor to assume jurisdiction of and try such causes.

§ 4. Whenever the said court of common pleas shall fall so far behind the trial docket as, in the opinion of the judge thereof, it shall be deemed expedient and necessary so to do, then it shall be the duty of the clerk of said court to notify the vice chancellor of the fact; and thereupon it shall be the duty of the vice chancellor to open court, and to hold the same for the trial of all causes, the day of trial for which has been reached; and such court of such vice chancellor shall be held for such purpose so long as the said court of common pleas shall continue behind its docket.

§ 5. It shall be the duty of the officers having charge of the court-house in Louisville to provide and furnish an appropriate room in the court-house for the court of the vice chancellor, to be paid for as other expenses of the court-house are paid for by the city of Louisville and the county of Jefferson. And the sheriff and clerk of the Jefferson Court of Common Pleas, and the marshal and clerk of the Louisville Chancery Court, shall furnish proper deputies for said court, accordingly as the same may be sitting as a chancery court or court of common pleas. Whenever the services of a jury are required by such vice chancellor, sitting as a common pleas judge, the unemployed juries of the common pleas court shall serve as such, and all vacancies in the pannel be filled according to the practice of said court.

§ 6. No action, finding, or decision of the judge of the Jefferson Court of Common Pleas, or of the chancellor of the Louisville Chancery Court, in any cause, shall be set aside, annulled, or modified, by the vice chancellor, nor shall any action, finding, or decision of the vice chancellor, be set aside, annulled, or modified by the chancellor, or by the judge of the Jefferson Court of Common Pleas. New trials can be granted only by that one of the three judges before whom the trial was had, so long as such judge remains in office.

§ 7. It shall not be necessary, in any case, for the record to show that the vice chancellor had jurisdiction of any cause tried before him in either court; but his jurisdiction shall be conclusively presumed if the court in which he officiated had jurisdiction as a court to try the cause.

§ 8. Whenever the chancellor and vice chancellor are both absent, or both incapacitated for any reason to sit in any cause, then a special chancellor shall be elected as provided by existing laws.

§ 9. This act shall take effect and be in force from and after its passage; and until the next general election the vacancy existing, as well as all vacancies hereafter occurring, shall be filled by appointment by the Governor.

Approved March 26, 1872.

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James Harlan has been appointed and commissioned vice chancellor under the above act, to hold said office until the people elect his successor at the next August election.

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#### Marshal Louisville Chancery Court.

Fees for making a sale of real or personal estate, under the order or judgment of court, five per cent. on the first

\$300, and one per cent. on all sums over and above \$300, and costs for advertising and taking and carriage of any personal estate; no fee shall be charged by or allowed to the marshal on any sale until it is approved by the court. For all other services of said marshal, required by law to be performed by order or judgment of said court, he shall be allowed the same fees which are now allowed by law to the sheriff of Jefferson County.

Act March 2, 1869, page 51.

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#### Interpreter of Jefferson Circuit Court.

The office of Interpreter of the Jefferson Circuit Court was created by act of February 4, 1865.

Interpreter appointed by the Judge of the Jefferson Circuit Court, and may be removed from office at his pleasure; and he may appoint the same person Interpreter of said Court who is appointed to act in that office in the city court of Louisville.

#### Interpreter to take oath, &c.

The Judge of said Court may allow to said Interpreter such fees for his services as shall be considered reasonable and proper; and such allowance shall be taxed as costs, to be paid as the claims of witnesses are certified and paid.

Act February 4, 1865, page 22.

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Interpreter to hold his office one year from the time of his appointment.

Must be thoroughly competent to speak the English and German languages.

Shall be in attendance during the sittings of said Court, and shall be under the orders of the Judge of said Court, who shall regulate his duties therein.

Shall receive, as compensation for his services, while

acting as Interpreter for said Court, the sum of five hundred dollars (\$500) per annum, to be paid out of the State Treasury, as other officers of said Court are paid.

Acts adjourned session 1867-8, page 24.

### Circuit Courts—Their Origin.

In 1802, after the adoption of the second Constitution of Kentucky, the circuit court system was substituted for the district and quarter session courts, and given jurisdiction in all causes, matters and things at common law and in chancery, within their respective circuits, except in causes of less value than five pounds, and also some other cases, specified in the act.

By the new Constitution of Kentucky, adopted in 1850, it was enacted that a Circuit Court shall be established in each county then existing, or which may hereafter be enacted in this Commonwealth.

The first election of Judges of the Circuit Court took place on the second Monday in August, 1856, and elections are to be held on the first Monday in August in every sixth year thereafter.

No person shall be eligible as Judge of the Circuit Court who is not a citizen of the United States, a resident of the district for which he may be a candidate two years next preceding his election, at least thirty years of age, and who has not been a practicing lawyer eight years, or whose service upon the bench of any Court of record, when added to the time he may have practiced law, shall not be equal to eight years.

The Judges of the Circuit Court shall, after their first term, hold their office for the term of six years from the day of their election. They shall be commissioned by

the Governor, and continue in office until their successors be qualified, but shall be removable from office in the same manner as the Judges of the Court of Appeals; and the removal of a Judge from his district shall vacate his office.

If a vacancy shall occur in the office of Judge of the Circuit Court, the Governor shall issue a writ of election to fill such vacancy, for the residue of the term: *Provided*, that if the unexpired term be less than one year, the Governor shall appoint a Judge to fill such vacancy.

The jurisdiction of said Court shall be, and remain as now established, hereby giving to the General Assembly the power to change or alter it.

The right to appeal or sue out a writ of error to the Court of Appeals shall remain as it now exists, until altered by law, hereby giving to the General Assembly the power to change, alter, or modify said right.

The judicial districts shall not be changed unless when a new district is added.

Appeals on writs of error lie from the decisions of County Courts to Circuit Courts of the same county, in all controversies concerning the establishing, alteration or discontinuance of ferries, roads and passways, and in all cases concerning the probate of wills, and from orders concerning mills or water works, and from orders refusing or allowing dams to be built across water courses, and from judgments in bastardy cases, and from judgments and final orders in penal cases.

Appeals lie to the Circuit Court from the decisions of the quarterly Courts, and of justices of the peace, and of other tribunals having the like civil jurisdiction as justices of the peace, in all civil cases when the amount in controversy, exclusive of interest and costs, is twenty dollars and upwards; and in all actions of trespass, and trespass on

the case, before justices of the peace, the party aggrieved shall have the right of appeal to the Circuit Court of the county in which the case is tried in.

The Circuit Court has original jurisdiction of all matters both in law and equity within its county, of which jurisdiction is not by law exclusively delegated to some other tribunal, and has all power necessary to carry into effect the jurisdiction given it. It also has jurisdiction of an attachment of lands when the debt is less than \$50.

Each Circuit Judge is a conservator of the peace throughout the State, and may grant writs of error *coram vobis et nobis*.

When the business requires it, a Circuit Judge may hold a special term in any county in his district, for the trial of chancery, penal or criminal causes, or either. He may in term time, or in vacation, order a grand and petit jury to be impaneled at any special term.

If from any cause he fails to attend, or if in attendance, can not properly preside in a cause or causes pending in such court, the attorneys of the court who are present, shall elect one of its members then in attendance, to hold the court for the occasion, who shall accordingly preside and adjudicate. This last provision has been extended to Equity and Criminal Courts.

Circuit Judges may exchange circuits, provided that a majority of the members of the bar do not choose to elect a special judge.

The attorneys employed in a particular case, are not allowed to vote for special judge to try the same.

The State is divided into sixteen (16) Circuit Court judicial districts, and a Circuit Judge and Commonwealth's Attorney are elected in each district.

The Circuit Court of each county, shall, once in every

four years, and oftener if a vacancy occurs, appoint a master commissioner for that court. The Court may also appoint a receiver, if the parties fail to elect. It may also appoint examiners to take depositions.

Our Circuit Judges are allowed three thousand dollars per annum.

In criminal or penal prosecutions, when judge of another district is assigned to hold court, he is to be allowed his expenses in going to and from the place the court is held, and ten dollars per day while there.

The Circuit Courts of the various judicial districts, hold their terms at the following times and places, to wit:

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#### First Judicial District.

Circuit Courts in the first judicial district, shall hereafter be held and continued, if the business of the court requires it, as follows, to wit:

McCracken, 1. In McCracken county, on the second Mondays in January and July, and continue twenty-four judicial days.

Fulton, 2. In Fulton county, on the second Mondays in February and August, and continue eighteen judicial days.

Hickman, 3. In Hickman county, on the first Mondays in March and September, and continue eighteen judicial days.

Ballard, 4. In Ballard county, on the fourth Mondays in March and September, and continue twelve judicial days.

Graves, 5. In Graves county, on the second Mondays in April and October, and continue thirty-six judicial days.

Calloway, 6. In Calloway county on the fourth Mon-

days in May and November, and continue twelve judicial days.

Marshall, 7. In Marshall county, on the second Mondays in June and December, and continue twelve judicial days.

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### Second District.

In the county of Trigg, on the second Mondays in February and August, each term continuing eighteen judicial days.

Christian, on the first Mondays in March and September, each term to continue twenty-four judicial days.

Hopkins, on the first Mondays in April and October, each term continuing eighteen judicial days.

Caldwell, on the first Mondays in May and November, each term continuing eighteen days.

Lyon, on the fourth Mondays in May and November, each term continuing eighteen judicial days.

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### Third District.

Henderson, on the first Mondays in April and September, each term continuing thirty judicial days.

Union, on the second Mondays in April and October, each term continuing twenty-four judicial days.

Webster, on the second Mondays in May and November, each term continuing eighteen days.

Crittenden, on the first Mondays in June and December, each term continuing eighteen judicial days.

McLean, on the first Mondays in June and January, each term continuing eighteen judicial days.

Livingston, on the second Mondays in August and February, each term continuing eighteen judicial days.

#### Fourth District.

Warren, on the fourth Monday in January and Third Monday in July. February term to continue twenty-four judicial days, and the July term to continue thirty judicial days.

Butler, on the fourth Mondays in May and November, each term continuing twelve judicial days.

Edmonson, on the third Mondays in March and September, each term continuing six judicial days.

Muhlenburg, on the third Mondays in April and October, each term continuing twelve judicial days.

Logan, on the first Mondays in May and November, each term continuing eighteen judicial days.

Todd, on the fourth Mondays in March and September, each term continuing eighteen judicial days.

Simpson, on the fourth Mondays in February and August, each term continuing eighteen judicial days.

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#### Fifth District.

In the county of Hardin, on the second Mondays in February and August, and continue twenty-four judicial days, if the business of the court require it.

Meade, on the second Mondays in March and September, and continue twelve judicial days, if the business of the court require it.

Hancock, on the fourth Mondays in March and September, and continue twelve judicial days, if the business of the court require it.

Breckinridge, on the second Mondays in April and October, and continue twelve judicial days, if the business of the court require it.

Grayson, on the fourth Mondays in April and October, and continue twelve judicial days, if the business of the court require it.

Ohio, on the second Mondays in May and November, and continue twelve judicial days, if the business of the court require it.

Daviess, on the fourth Mondays in May and November, and continue forty-two judicial days, if the business of the court require it.

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#### Sixth District.

In the county of Adair, on the third Mondays in February and August, and continue twelve judicial days at each term.

Clinton, on the first Mondays in August and September, and continue six judicial days at each term.

Cumberland, on the second Mondays in March and September, and continue six judicial days at each term.

Monroe, on the fourth Mondays in March and September, and continue twelve judicial days at each term.

Barren, on the first Mondays in April and October, and continue twenty-four judicial days at each term.

Hart, on the first Mondays in May and November, and continue twelve judicial days.

Green, on the third Mondays in April and November, and continue twelve judicial days.

Metcalf, on the Mondays succeeding the fourth Monday in May and November, and continue twelve judicial days.

Allen, on the first Mondays in January and July, and continue twelve judicial days.

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#### Seventh District.

In the county of Marion, on the second Mondays in February and August, each term continuing eighteen judicial days, and on the third Monday in June, and continue twelve judicial days.

Washington, on the first Mondays in March and September, each term continuing eighteen judicial days.

Larue, on the fourth Mondays in March and September, each term continuing twelve judicial days.

Taylor, on the second Mondays in April and October, each term continuing twelve judicial days.

Nelson, on the fourth Mondays in April and October, each term continuing twelve judicial days. Also, Criminal and Equity courts on the first Monday in July, to continue twelve judicial days.

Mercer, on the second Mondays in May and November, each term continuing twelve judicial days (the July term is abolished).

Anderson, on the first Mondays in June and December, each term continuing twelve judicial days.

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#### Eighth District.

In the county of Boyle, on the first Mondays in March and September, and continue twelve judicial days.

Pulaski, on the fourth Mondays in March and September, and continue twelve judicial days.

Garrard, on the third Mondays in January and July, and continue twelve judicial days.

Lincoln, on the third Mondays in April and October, and continue twelve judicial days.

Wayne, on the first Mondays in May and November, and continue twelve judicial days.

Russel, on the Thursday next after the third Mondays in May and November, and continue twelve judicial days.

Casey, on the first Mondays in the month of June and December, and continue twelve judicial days.

### Ninth District.

In the county of Jefferson, on the first Monday in September, continuing six days. On the third Monday in November, continuing eighteen days. On the second Monday in January, continuing to and including the Saturday next before the second Monday in February. On the first Monday in April, continuing six days. On the first Monday in May, continuing eighteen days. On the fourth Monday in June, continuing eighteen days.

Shelby, on the first Monday in March and the fourth Monday in September, each term continuing eighteen days.

Oldham, on the fourth Monday in March and the third Monday in September, each term continuing six days.

Spencer, on the second Mondays in April and September, each term continuing six days.

Bullitt, on the third Mondays in April and October, each term continuing six days. Equity term on the first Monday in June and continue six days.

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### Tenth District.

In the county of Bourbon, on the third Mondays in April and October, each term continuing twelve judicial days. Criminal term in January and continue six judicial days.

Fayette, on the first Monday in February and second Monday in August, the February term to continue twenty-four judicial days and the August term eighteen judicial days. Criminal term, fourth Monday in June and continue twelve judicial days.

Jessamine, on the third Mondays in May and November, and continue each term twelve judicial days.

Scott, on the first Mondays in March and September, each term continuing twelve judicial days.

Woodford, on the first Mondays in April and October, each term continuing twelve judicial days.

Madison, on the third Mondays in March and September, each term continuing twelve judicial days. Criminal term, fourth Monday in June, continuing six judicial days.

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#### Eleventh District.

In the county of Franklin, on the second Monday in February, and continue eighteen days, the fourth Monday in June, and the last Monday in August, each term continuing twelve judicial days. The June term is an equity, criminal and fiscal term only.

Trimble, on the first Monday in March, and the second Monday in September, each term continuing six judicial days.

Gallatin, on the third Mondays in March and September, the Spring term to continue twelve and the Fall term six judicial days.

Henry, on the first Monday in April and the fourth Monday in September, each term continuing twelve judicial days.

Boone, on the third Monday in April and the second Monday in October. The Spring term to continue twelve and the Fall term six judicial days.

Owen, on the first Monday in May, and the second Monday in November, each term continuing twelve judicial days.

Grant, on the fourth Monday in May and the fourth Monday in October, each term continuing twelve judicial days.

Carroll, on the second Monday in June and the fourth Monday in November, each term continuing twelve judicial days.

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### Twelfth District.

In the county of Kenton, at the court-house in Independence, on the second Mondays in January and July, and continue six days each, if the business thereof requires.

At the court-house in the city of Covington, in Kenton County, on the second Mondays in March, September, and December, and continue twenty-four days each, if the business therein requires.

In the county of Robertson, at the court-house in Olivet, on the fourth Monday in January and the third Monday in July, and continue each for twelve days, if the business therein requires.

In the county of Campbell, at the court-house in Newport, on the second Monday in February and second Monday in June, and fourth Monday in November, and continue each time twelve days, if the business therein requires; and at the court-house in Alexandria, in the county of Campbell, on the second Monday of April and second Monday of October, and continue six days each, if the business therein requires.

In the county of Bracken, at the court-house in Brookville, on the fourth Mondays in February and August, and continue each term twelve days, if the business therein so requires.

In the county of Harrison, in the court-house in Cynthiana, on the first Mondays in May and November, and to continue each time eighteen days, if the business therein so requires.

In the county of Pendleton, at the court-house in Falmouth, on the third Mondays in April and October, and to continue twelve days each, if the business therein so requires.

PROVISIONS MADE IN THE ABSENCE OF THE JUDGE OF THE CIRCUIT COURT—

§ 2. That in the absence of the judge of the circuit court, that the judge of the criminal court, and the judge of the chancery court, may hold and preside at any of the terms of the circuit court in this act provided for and enacted.

Thirteenth District.

Bath, on the first Mondays in March and September, and continue at each term eighteen judicial days.

Powell, on the last Mondays in March and September, and continue at each term six judicial days.

Estill, on the first Mondays in April and October, and continue at each term twelve judicial days.

Lee, on the third Mondays in April and October, and continue at each term six judicial days.

Owsley, on the fourth Mondays in April and October, and continue at each term six judicial days.

Wolfe, on the Mondays succeeding the Owsly Circuit Court, and continue at each term six judicial days.

Morgan, on the Mondays succeeding the Wolf Circuit Court, and continue at each term twelve judicial days.

Elliott, on the Mondays succeeding the Morgan Circuit Court, and continue at each term six judicial days.

Montgomery, on the Mondays succeeding the Menifee Circuit Court, and continue at each term twenty-four judicial days; but said court is not to be held at any of its terms, in any of said counties, longer than the business thereof requires.

### Fourteenth District.

Fleming, on the second Mondays in February and August, and continue eighteen judicial days at each term.

Greenup, on the first Mondays in March and September, and continue eighteen judicial days at each term.

Nicholas, on the fourth Mondays in April and October, and continue twelve judicial days at each term.

Mason, on the Tuesdays next after the fourth Monday in March and September, and be held twenty-four judicial days at each term.

Lewis, on the second Mondays in May and November, and continue twelve judicial days at each term.

Rowan, on the fourth Mondays in May and November, and continue six judicial days at each term, if in said counties the business so requires.

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### Fifteenth District.

Whitley, on the first Monday in March, and continue twelve judicial days, and the Tuesday after the first Monday in August, and continue nine judicial days.

Knox, on the third Mondays in March and August, and continue each term twelve judicial days.

Laurel, on the Monday after the Knox Circuit Court, and continue twelve judicial days.

Rockcastle, on the Monday after the Laurel Circuit Court, and continue twelve judicial days.

Josh Bell, on the Monday after the Rockcastle Circuit Court, and continue six judicial days.

Harlan, on the Monday after the Josh Bell Circuit Court, and continue six judicial days.

Letcher, on the Monday after the Harlan Circuit Court, and continue six judicial days.

Perry, on the Monday after the Letcher Circuit Court, and continue six judicial days at the spring term, and twelve judicial days at the fall term.

Breathitt, on the Monday after the Perry Circuit Court, and continue six judicial days.

Jackson, on the Monday after the Breathitt Circuit Court, and continue six judicial days.

Clay, on the Monday after the Jackson Circuit Court, and continue so long as the business of the court may require; but said courts are not required to be held in any of said courts longer than the business thereof may require.

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#### Sixteenth District.

In the county of Carter on the first Monday in April and third Monday in August, and continue twelve days.

Johnson, on the third Monday in April, and the fall term is on the Monday succeeding the Carter Circuit Court, each term continues six days.

Magoffin, spring and fall terms are on the Mondays succeeding the Johnson Circuit Courts, and each term continues six days.

Pike, on the Mondays succeeding the Magoffin Circuit Court, in spring and fall, and continues twelve days.

Floyd, on the Mondays succeeding the spring and fall term of the Pike Circuit Court, and continue twelve days at each term.

Lawrence, on the Mondays succeeding the spring and fall terms of the Floyd Circuit Court, and continue twelve days at each term.

Boyd, on the Mondays succeeding the Lawrence Circuit Court, spring and fall terms, and continue eighteen days.

Martin, on the Mondays succeeding the Boyd Circuit Court, spring and fall, and continue six days.

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### City Court of Louisville.

The City Court of Louisville is a court of record, and has a Judge, Prosecuting Attorney, Clerk, and Marshal. The present officers are: Hon. J. Hop. Price, Judge; Frank Hagan, Prosecuting Attorney; John Loran, Clerk; Pat Dillon, Marshal.

This Court has original and exclusive jurisdiction of all misdemeanors committed within the city, has the power to cause the arrest of all persons charged with felony, and hear evidence of their innocence and guilt, and to commit or discharge, or admit to bail, if the offense be bailable, and take recognizances with surety for appearance before the Circuit Courts, with the same effect that county Judges may. To hear all complaints for breaches of the peace, and require surety for the same, and good demeanor, and commit to the work-house until surety be given. To hear and determine all complaints for breaches of ordinance, also for violations of the penal laws of the commonwealth, and to impose such fines and penalties as may be prescribed by the ordinances of the city or the penal laws of the State, to the amount of twenty dollars; if above that sum the Judge shall cause the intervention of a jury, unless waived by the party charged. The Judge is a general conservator of the peace within the city as circuit Judges are in the State.

This Court as a court of inquiry is always open for business, Sundays excepted. It holds monthly terms, and may cause to be summoned and impanelled, a grand or petit jury, or both, for the indictment and trial of offenders within its jurisdiction. Said terms commence on the first

Monday of each month, and continue as long as business may require.

Appeals and writs of error lie from its decisions to the Court of Appeals, where the fine exceeds twenty dollars, when under that amount the legality of an ordinance may be tested by the defendant by writ of prohibition from the Jefferson Circuit Court, with the right of appeal therefrom to the Court of Appeals.

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#### Judges of Circuit Courts.

- A. R. BOON, first district.  
JOHN R. GRACE, second district.  
BEN. P. CISSELL, third district.  
ROBERT C. BOWLING, fourth district.  
H. H. COFER, fifth district.  
T. T. ALEXANDER, sixth district.  
J. C. WICKLIFFE, seventh district.  
F. T. FOX, eighth district.  
H. W. RRUCE, ninth district.  
C. B. THOMAS, tenth district.  
P. U. MAJOR, eleventh district.  
JAMES O'HARA, JR., twelfth district.  
JOHN M. ELLIOTT, thirteenth district.  
RICHARD H. STANTON, fourteenth district.  
W. H. RANDALL, fifteenth district.  
M. J. FERGUSON, sixteenth district.
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#### Judges Common Pleas Court.

- J. D. WHITE, first district.  
C. D. BENNETT, second district.  
W. L. DULANEY, Warren Court Common Pleas.

Judge Criminal Court.  
JOHN S. BOYD, twelfth district.

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Judge Jefferson Circuit Court.  
HORATIO W. BRUCE.

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Judge Jefferson Court of Common Pleas.  
H. J. STITES.

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Louisville Chancery Court.  
JHOS. B. COCHRAN, Chancellor.  
JAMES HARLAN, Vice Chancellor.

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Judge Jefferson County Court.  
W. B. HOKE.

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Judge Louisville City Court.  
J. HOP. PRICE.

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Clerk Circuit Courts.

No person is eligible to the office of Clerk of said court, who is not twenty-one years of age, a citizen of the United States, who has not resided in the State two years, and one year in the county in which he is a candidate; and who has not procured from a Judge of the Court of Appeals or Circuit Court, a certificate that he has been examined by the clerk of his court, under his supervision, touching his fitness to discharge the duties of clerk, and that he is qualified for the office for which he is a candidate.

A Clerk of the Circuit Court is elected for a term of six years.

For oath of office and form of bond to be executed, see Stanton's Rev. Stat., vol. 1, page 246.

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Required to keep a book in which to record executions and return in cases of sales of real estate—book for this especial purpose; fee for recording same, fifty cents, to be taxed as other costs are taxed.

Act March, 1860, and amended April 4, 1861.

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Sales of real estate by Commissioners, to be recorded in a book kept for that purpose.

Act June 3, 1865.

Clerks of courts not to receive money on judgments or replevin bonds, but may receive money in certain cases.

See act April 4, 1861.

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Clerks may make order of survey in vacation.

Act January 8, 1864.

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Clerks of Circuit Courts to issue executions within twenty days after adjournment of term, upon all jury fees which remain unpaid.

Act February 2, 1864.

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When Clerk Circuit Court issues execution on the judgment of a court martial, imposing a fine, he is entitled to a fee of twenty-five cents for filing copy of judgment of court martial, to be paid by the party filing same, and to be included in *fifa*.

Sheriff shall execute said writ, pay over money as required by law. Sheriff to have same compensation as is now allowed by law for collecting money under execution.

Act April 4, 1861.

§ 1. That the clerks of inferior courts, for the services rendered in pursuance of section 3, article 3, chapter 17, of Revised Statutes, shall be allowed ten cents for indorsing the steps in each case, after each term of the court in civil suits, and to be taxed as other costs.

§ 2. This act to take effect from its passage.

Act March 18, 1871, page 68.

#### CHAPTER 1444.

Acts Adjourned Session (January, 1871) of 1869-70,  
page 47.

AN ACT to amend title 10, chapter 4, section 467, of the Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. In actions for the settlement of the estates of deceased persons, it shall and may be lawful for the clerk of the court in which the action is brought, during vacation, and upon the return of process executed as now required by law, to make an order referring said action to the master commissioner in chancery for the county, and requiring the creditors of such decedent to appear before the commissioner and prove their claims by a certain day, to be named in the order, notice of which shall be given by advertisement in a newspaper, or if none is published in the county, then by written or printed notices, posted up at three or more public places in the county, the courthouse door being one; said order shall have the same effect as if made in term time.

§ 2. This act shall take effect from its passage.

Act March 8, 1871, page 47.

## CHAPTER 262.

**Acts Regular Session 1871-2, page 23.**

**AN ACT** to amend section 112, chapter 1, title 6, of the Criminal Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one hundred and twelve, chapter first, title six, of the Criminal Code of Practice, is hereby so amended, that hereinafter it shall be the duty of the several circuit court clerks in this Commonwealth, upon the written application of the Commonwealth's Attorney for their district, in vacation, to issue subpoenas for witness to appear before the grand jury of their respective counties at the ensuing term of their court.

§ 2. This act to take effect from its passage.

Approved February 10, 1872.

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§ 1. That sections one and two of the act approved March 21, 1871, chapter 1812, entitled "An act to amend an act, entitled 'An act for the benefit of late clerks and sheriffs, &c.,'" be, and the same are hereby, re-enacted, to be and remain in force until April 1, 1874, and that section three of said act be, and the same is hereby, repealed.

§ 2. That this act shall take effect from its passage.

Act February 9, 1872, page 20-1.

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In case of change of venue in criminal cases, clerk to transmit the original papers, together with a transcript of the record to the clerk of the court to which the removal is ordered, after making out and retaining copy of such original papers—the transfer to be made by the clerk,

his deputy, or some discreet person, for whom the clerk shall be responsible. The applicant for change of venue to pay the clerk for making such copy, and also five cents a mile for necessary travel going and returning in making such transfer, for which he may issue his fee bill as in other cases.

Act March 5, 1860, page 134.

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Clerk must keep a fair record of all proceedings and orders of court.

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#### Commonwealth's Attorney.

§ 10. A Commonwealth's Attorney shall be elected for each district by the qualified voters, at the same time and for the same term with the Circuit Judges.

§ 11. No person shall be eligible to the office of Commonwealth's Attorney who is not at least twenty-four years of age, a citizen of the United States, who has not resided two years next preceding his election in the State, and one year in the county or district for which he is a candidate, and who shall not have been a licensed practicing attorney for two years.

The attorney for the Commonwealth shall have 30 per cent of all judgments, but no taxed attorney's fee unless such judgment is less than fifty dollars, and then he shall receive a fee of five dollars, to be taxed as costs. But in cases where the court renders judgment without the intervention of a jury, no attorney's fee shall be charged. All laws now existing, whereby Attorneys for the Commonwealth receive any portions of fines or judgments on forfeited recognizances, repealed. Not to receive any portion of fines until the money is collected. If only a portion is collected, to be paid pro rata.

Acts 1857-8.

It shall not be lawful for Attorneys for the Commonwealth to take fees to defend persons charged with crime in any court held within their respective districts.

Act December 21, 1861.

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Commonwealth's Attorney in the 9th judicial district shall be entitled to 40 per centum of the amount of all judgments returnable to, or for appearance in the Jefferson Circuit Court, to be paid out of the judgments and not otherwise.

Act February 22, 1865, page 43.

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If an appeal in a bastardy case from a decision of a county court shall be affirmed, and the Attorney General shall defend the appeal, the Court of Appeals shall allow him a fee not exceeding \$25, which shall be taxed as costs in the case.

Act June 3, 1865, p. 137.

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#### Trustee of Jury Fund.

The Trustee of the Jury Fund is appointed by the Judge of the Circuit Court.

To keep a well bound book in his office, in which he shall enter, at the time it is receivable, or when received, all taxes or other moneys received by him for the Commonwealth, showing of whom received, on what account, amount, and date; which book shall, at all times, be subject to the inspection of any officer representing the Commonwealth.

To give duplicate receipts for all money paid him.

Acts 1863-4.

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It shall be the duty of the Trustee of the Jury Fund, at the close of each term of the Circuit Court, if held, and if not, to make out a settlement, as now required by law, exhibiting the total funds received from all sources, and file the same with the Circuit Court Clerk, who shall enter the same of record in the order book of said Court at the same time the reports of circuit and county clerks are entered, mentioned in the first section of this act, to be signed by the Circuit Judge, as required by the first section of this act.

Acts 1865, page 49.

§ 1. That the Trustee of the Jury Fund, in each of the counties of this Commonwealth, shall procure a copy of any act of the Legislature of any of the States or Territories of this United States of America, necessary to be used in any criminal or penal prosecution in this State.

§ 2. That any copy so obtained by him, whether written or printed, if certified by the Governor, Secretary of State, notary public, judge of a court, or clerk of a court of the State from which it is sent, that the same is a law of such State, the same shall be evidence in all criminal and penal prosecutions in all the courts of this State.

§ 3. Said Jury Trustee shall pay the cost thereof, and be allowed credit therefor in the settlement of his accounts.

§ 4. The courts of this Commonwealth shall give, by countenance or otherwise, time to procure said copies, and shall compel the Trustee of the Jury Fund in each county to discharge the duties imposed on him by this act, by fine not less than twenty, nor more than one hundred dollars.

§ 5. This act shall take effect from its passage.

Approved February 25, 1860.

## CHAPTER 337.

Acts 1857-8, vol. 1, pages 40-1.

AN ACT in regard to Duties of Trustees of the Jury Fund and Commonwealth's Attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter it shall be the duty of the Trustee of the Jury Fund for the several counties of this Commonwealth, within ten days after the adjournment of every Circuit Court, to make out in a book to be kept by him for that purpose a correct list of all judgments in behalf of the Commonwealth, showing the names of persons against whom they are rendered, the amount of such judgments, and the term of the court at which they are rendered; which book shall be kept as belonging to his office and handed over to his successor in office as other records are required by law to be delivered.

§ 2. That it shall be the duty of said Trustee, twenty days before each term of the Circuit Court, to call upon any sheriff for all sums collected by him which belong to the Jury Fund, and to examine the execution book of the Circuit Court Clerk's office to see what executions are due as by return day; and for every failure or refusal on the part of said sheriff to pay over sums so collected, and for failing to return executions in behalf of the Commonwealth for the time now provided by law, said trustee shall immediately give notice, as now provided by law, that he will, on the second day of the next succeeding term of the Circuit Court, move the court to render judgment for every such failure in duty according to the existing provisions of law in regard to such motions against sheriffs for such neglect of duty.

§ 3. It shall be the duty of the Attorney for the Commonwealth to give said Trustee all necessary advice in regard to such motions, and to prosecute them when set on foot; and for his services in such motions he shall receive five per cent., and said trustee a like sum, out of the twenty per cent. damages imposed by law for such failures in duty.

§ 4. All laws now existing, whereby Attorneys for the Commonwealth receive any portions of fines or judgments on forfeited recognizances, are hereby repealed; and hereafter he shall receive, to his own use, thirty per cent. of all judgments, but no taxed attorney's fee, unless such judgment is less than fifty dollars, and then he shall receive a fee of five dollars, to be taxed as costs. But in cases where the court renders judgment without the intervention of a jury, no attorney's fee shall be charged.

§ 5. This act shall not be so construed as to repeal any law now requiring the performance of any duty at the hands of said Trustees and Commonwealth's Attorneys; and they are required to perform the duties imposed on them by this act, under the same penalties that they are now required by law to discharge their other duties. This act to take effect from its passage.

Approved February 11, 1858.

Trustees of Jury Fund allowed a commission of five per cent. upon all sums that come into their hands, and they shall be credited with the said commission in their settlements with the courts.

Acts January, 1869.

It shall be unlawful for any Trustee of the Jury Fund to practice law in the county where he was or may be appointed.

Acts 1869-70, page 138.

Any one violating the provisions of said act shall be deemed guilty of a misdemeanor, and upon indictment by the grand jury, fined not less than five hundred dollars.

Acts 1869-70, page 138.

When the Trustees of the Jury Fund make motion against a sheriff for all sums collected by him belonging to jury fund, for failure or refusal to pay over to them money due the Commonwealth, the Commonwealth's Attorney shall advise and prosecute, and for his services he shall receive five per cent., and said Trustee a like sum of the twenty per cent. damages imposed by law for such failure of duty.

Act February 11, 1858, page 40.

The Trustee of the Jury Fund for the Jefferson Circuit Court shall be the Trustee of the Jury Fund of the Jefferson County Court, and shall perform the duties and be governed by the same rules, and under the same liabilities, in respect to said county, now established by law for the government of the jury fund and Trustees thereof.

Must execute bond with good surety, and renew the same every second year, to be examined by the county attorney and approved by the Judge of said court—covenant to be recorded in the order book of the court, and the original to be retained by the clerk.

The Judge of said court to appoint two commissioners ten days before each regular term of said court, to select

twelve jurymen, as required by article 4, of chapter 55 of the Revised Statutes, and in all respects, the said Judge, Clerk and Sheriff of said court, shall be governed by the rules and regulations established in said 55th chapter of the Revised Statutes, applicable to said County Court.

Acts adjourned session, January 1865, page —.

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The Jury Commissioners shall draw from the box thirty names instead of twenty-four, and record the same, one by one, as drawn, which shall be certified and signed by them directed to the Circuit Judge, and indorsed, "A list of the standing jury." They shall dispose of the remaining seventy names as prescribed by law.

The clerk shall furnish the sheriff the list of the thirty names, who shall be summoned by the sheriff as prescribed by law.

Twenty-four shall be selected from the thirty so summoned in the order in which their names appear upon said list, who shall compose the regular pannel.

No person shall be allowed to serve as a petit juryman more than one term in any one year, and it shall be good cause of challenge to any juror that he has so served.

The foregoing provisions shall apply to the Louisville City Court, and Courts of Common Pleas and Circuit Courts in this Commonwealth.

Acts adjourned session 1867-8, page 9.

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Jury Commissioners of the Jefferson Circuit Court and the Jefferson Court of Common Pleas. May appoint any number Jury Commissioners, not less than three, nor more than ten, for the selection of grand and petit jurors for said courts; and said courts may authorize said Jury

Commissioners to draw the pannel of twenty-four jurors from not exceeding five hundred names of persons, to be selected by them. The present law in reference to the selection of grand and petit jurors is not interfered with in any other respect than the above.

Act March 16, 1869, page 94.

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### Grand Jurors.

#### CHAPTER 976.

~~Acts~~ adjourned session, January, 1867, page 1.

AN ACT to increase the pay of Grand Jurors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Grand Jurors in the Circuit, Equity and Criminal Courts of this Commonwealth shall hereafter receive one dollar and fifty cents per day, for each day they may serve as such jurors in said courts.

§ 2. All laws coming within the purview of this act be, and the same are hereby, repealed.

§ 3. This act shall take effect from and after its passage.

Approved January 12, 1867.

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### Petit Jurors.

#### CHAPTER 809.

Acts 1867-8, page 36.

AN ACT to increase the pay of Petit Jurors in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act the pay of Petit Jurors of this Commonwealth shall be two dollars per day, instead of what is now allowed by law.

§ 2. This act to take effect from its passage.

Approved March 6, 1868.

Jurors in Justice's, Police and Quarterly Courts in the counties of Kenton, Estill and Fleming entitled to fifty cents, to be taxed as costs, for each trial in which he shall be engaged. *Provided*, the number of Jurors engaged in each trial shall exceed six.

Acts adjourned session, 1869, page 50.

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#### Auditors, Receivers and Commissioners.

The Auditors, Receivers and Commissioners in Chancery to receive not more than three dollars per day, except by the consent of parties for each day he shall necessarily be engaged.

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Commissioners executing deeds under decrees of court, shall be allowed only one dollar and fifty cents for each deed, except where parties consent to a greater allowance.

The fees of the Auditors, Commissioners and Receivers shall in all cases be taxed as a part of the costs.

For all reports of services rendered by the Commissioner, under orders of reference, his fee shall be stated at the foot of the report, and when not objected to by the parties, shall be allowed by the court; and when objected to by either party, the court shall hear and determine the objections, and shall allow a reasonable compensation.

Act June 3, 1865.

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Commissioners and Receivers may appoint deputies.

Act June 3, 1860, page 142.

## CHAPTER 1726.

Acts adjourned session, January, 1869, page 64-5.

AN ACT to require Master Commissioners to take an oath of office and execute bond for the faithful performance of their duties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That every Master Commissioner in chancery, shall, ex-officio, act as receiver of the court.

§ 2. The court may appoint a special Commissioner in each case, who, by virtue of his appointment, shall act as receiver in said case.

§ 3. Every Master Commissioner and deputy, in addition to the oath prescribed by the Constitution, shall, in the presence of the court, before entering upon the duties of his office, take the following oath: "I, A B, do swear that I will well and truly exercise the office of Master Commissioner of \_\_\_\_\_ according to the best of my judgment, and that I will not wittingly or willingly commit any malfeasance of office, and will faithfully execute the duties of said office without favor, affection, or partiality; so help me God." The fact that such oath has been administered shall be entered on the record of the court.

§ 4. Every Master and Special Commissioner, before he enters on the duties of his office, shall execute an obligation to the Commonwealth, with good security, approved by the court, in substance as follows: "We, A B, Master Commissioner of \_\_\_\_\_ (or Special Commissioner, in case of M. vs. N.), and C D and E F, his sureties, covenant and agree with the Commonwealth of Kentucky that the said A B will faithfully discharge every duty of said office, and pay over in due time to the proper person any money received by him as Master (or Special) Commissioner. Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 18-."

1. The bond of Master Commissioner shall be entered on the records of the court. 2. The bond of Special Commissioner shall be filed in the suit and likewise recorded. 3. Master Commissioners shall renew their bonds every two years, or oftener if required by the court. 4. Any person aggrieved may, as relator, institute suit on the bond of Master or Special Commissioner. 5. The bond of either shall not be satisfied until every person aggrieved has been recompensed.

§ 5. The court may, on motion of any party to a suit, require Master Commissioner to execute a special bond as receiver in any case; and if such bond is executed, the sureties of the Master Commissioner on his general bond shall not be responsible to any party aggrieved in said case.

§ 6. Master Commissioners shall, at the next regular term of the court in which they are acting as such, comply with the requirements of this act.

§ 7. This act shall take effect from its passage.

Approved March 5, 1867.

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#### Commissioner and Receiver of the Louisville Chancery Court.

It is not lawful for the Receiver of the Louisville Chancery Court to be the Commissioner or Deputy Commissioner, Clerk or Deputy Clerk of said court.

Receiver and Commissioner of said court removable at the pleasure of said court. So are they by all the courts in this State. Receiver appointed for four years.

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§ 4. Twice in each year, on the first Friday in January and the first Friday in July, the receiver shall report to the court the aggregate amount of funds in court, giving the style of the cause in which any money may remain, and

the amount in each cause, and what sums have been ordered to be paid which have not been called for, and the parties entitled to the same; and upon the first day of August, in each year, he shall cause to be published in the daily paper published in the city of Louisville having the largest *bona fide* circulation, a statement of such sums as have remained in court more than two years, showing in what causes said sums remain, and how long, and when they have been ordered out, and the parties entitled to the same; for which, and to pay the expense of publication, the said Receiver shall receive the sum of ten cents for each publication of each and every sum and name so published, to be deducted out of the funds in his hands to which each of such persons is entitled.

§ 7. That once in every four years the court shall appoint a Commissioner for said court, who shall take the oath now required by law, and shall discharge the duties now required of him by law. Said Commissioner may, with the approval of the court, appoint such deputies and assistants as the business of his office may require. His fees for taking depositions shall be the same as allowed by law to examiners; and for reports and other services, the court shall allow him a reasonable compensation as the Masters in Chancery are allowed by the Circuit Court; and in all sales made under decrees of the court, where specific amounts are ordered to be raised, the marshal of said court shall add five dollars, and a sufficient amount to cover the revenue stamps for making a deed, which the Commissioner will be allowed to withdraw from the proceeds of sale.

§ 8. All laws in conflict with this act are hereby repealed; and this act shall take effect from its passage.

Acts adjourned session, January, 1871, page 35.

**County Courts—Presiding Judge of County Court.**

The County Judge is elected for a term of four years.  
Must take oath of office and execute bond before the clerk of the Circuit Court.

§ 2. That it shall be the duty of the several justices of the peace [and] police judges of this Commonwealth to execute a like obligation or bond within the same time, to be approved by the clerk of the County Court.

§ 3. The bond, when so executed, shall be entered on the records of the County Court, and a copy shall be transmitted by the clerk, within one month thereafter, to the auditor, to be by him recorded and preserved.

§ 4. That said judges and justices shall renew their bonds every two years thereafter, or oftener, if required by the court of the office in which the bond is recorded.

Acts adjourned session, January, 1867, page 92.

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County Judges for all services rendered in Quarterly Court, where their jurisdiction is concurrent with the Circuit Court, shall be entitled to same fees allowed by law to clerk's of Circuit Courts for similar services; and where his jurisdiction is concurrent with justices of the peace, he shall charge and receive the same fees which justices of the peace are by law entitled to receive. For issuing a warrant for bastardy, one dollar.

Act January 24, 1865, page 10.

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**Jurisdiction of County and Quarterly Courts.**

§ 1. The Quarterly Court, or the presiding Judge of each county, shall have concurrent jurisdiction, both in law and equity, with justices of the peace, in all civil cases.

Session acts 1850-1.

§ 2. It shall have jurisdiction throughout the county in proceedings against constables for defalcations in office.

ARTICLE XVI. § 3. It shall have concurrent jurisdiction with the Circuit Court in all civil cases where the amount in controversy does not exceed \$100, exclusive of interest and costs, and where the title or boundary of real estate is not in question. See Rev. Stat., Art. 16, p. 125, 1 Vol. Stanton.

ARTICLE XVII. § 1. Shall be a conservator of the peace in his county, shall have all the powers of a justice of the peace in penal and criminal proceedings, and in courts of enquiry. (Art. 17.)

§ 2. Is authorized to grant injunctions and attachments at common law, or in chancery, in his own court, or in the Circuit Court of his county. Shall have jurisdiction to hold inquests upon idiots and lunatics.

Shall keep a record of his proceedings.

Shall have power to administer oaths.

§ 3. Shall issue process directed to sheriff, coroner, constable or jailor.

§ 4. Shall be his own clerk per forming the duties of clerks. (Same powers and duties.)

Shall have appellate jurisdiction of the judgments of justices, where the amount in controversy shall be \$5 and over, but not of judgments on injunctions of forcible entry and detainer.

Land shall not be levied on or sold under execution from Quarterly Court, but where any such execution has been returned, no property found in whole or in part, a certified copy of the judgment and execution may be filed in the clerk's office of the county in which the judgment was rendered, which shall be copied in a book kept for that purpose. Chapter 4, article 1, regulates the proceedings in Quarterly Courts. Article 2 regulates appeals.

Quarterly Court may appoint a clerk who shall have power to issue summons, subpoenas, executions, &c.

Shall hold a quarterly term at the court house of his county at the times prescribed by law.

Shall remain in session at each term until it disposes of all the business on docket.

County Judge has jurisdiction where the sum, exclusive of interest and costs, does not exceed one hundred dollars.

Act January 10, 1860.

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When the sum in controversy is over \$50, a tax of 50 cents shall be collected.

Judges of County Courts have jurisdiction concurrent with justices of the peace of all misdemeanors under the common law or the statutes of this Commonwealth.

Act January 21, 1870, page 8.

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Where the county judge does not keep an office at or within one mile of the county seat, or is absent from his office, the clerk of the county court may issue the summons in an action in the quarterly court in the same manner and under the same circumstances as the judge, and also subpoenas for witnesses, and shall be allowed the same fees as the judge. The clerk shall, before the next term of the quarterly court, deliver to the judge all papers filed with him, upon which he has issued any summons, and a list of the process issued by him, for the purpose of being properly taxed in the costs.

Acts March 10, 1854, page 170.

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Where the sum in controversy is over sixteen dollars, exclusive of interest and costs, either party may have a change of venue to the circuit court of the same county, by order of a circuit judge, upon the person desiring the change making affidavit that he does not believe he can obtain a fair trial before the presiding judge.

County judges allowed for settling the accounts of fiduciaries, three dollars per day, to be paid out of the estate settled.

Acts 1864-65, page 18.

Said act shall not apply to Louisville.

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## CHAPTER 1530.

COUNTY JUDGE TO EXAMINE AND AUDIT ACCOUNTS OF COMMISSIONERS OF COMMON SCHOOLS, AND SETTLE SAME—

AN ACT to amend an act, entitled "An act to revise, amend, and reduce into one the laws relating to the common schools of Kentucky."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the judges of the county courts in each county are authorized to examine and audit the accounts for services rendered by the commissioners of common schools in their respective counties; and for this purpose they shall, between the first and twentieth days of January, and the first and twentieth days of July, in each year, hear proof and audit and settle the accounts of the commissioners of their respective counties for services rendered by them for the six months next preceding such settlement; and the amount ascertained to be due to said commissioners shall be certified by the judge to the Superintendent of Public Instruction; and if approved by him, he shall certify the same to the Auditor of Public Accounts, who shall draw his warrant for the amount thereof on the Treasurer in payment of the same: *Provided*, That the allowances made by the county judges under this act, to be paid out of the school fund, shall not exceed in amount the allowances provided in section twenty-three, article four, of said act.

County judge must fix a monthly return day of executions.

In cases of over \$50, the fees of the presiding judge and officer executing the process shall be the same that the clerk of the circuit court and sheriff are entitled to for similar services—shall be due at the same time and collectable in the same manner.

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County judge may qualify circuit court clerk.

Act February 6, 1854.

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Deputy clerk of a quarterly court may administer oath and certify the same in all cases where the presiding judge is so authorized, and shall be entitled to the same fees therefor.

Act March 2, 1863.

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§ 1. That the county judges of this Commonwealth shall have concurrent jurisdiction with that of justices of the peace in all cases of riots, routs, and breaches of the peace.

§ 2. This act to be in force from its passage.

[This bill the Governor not being able to approve, having vetoed two others having the same principle, is permitted to become a law after the lapse of ten days.]

Act adjourned session, January, 1867, page 46.

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## CHAPTER 90.

HOW VACANCY IN OFFICE OF COUNTY JUDGE DURING THE FIRST THREE YEARS OF HIS TERM IS FILLED —

**Acts Regular Session, 1871-72, page 7.**

AN ACT to amend section 6, article 6, chapter 32, title "Elections," of the Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That when a vacancy shall occur in the office of any presiding judge of a county court within the first three years for which he may have been elected to said office, it shall be the duty of the clerk of the county court to issue a summons, directed to the sheriff or any constable of the county, requiring him to summon the justices of the county to convene at the court-house on a day

named in the summons, which shall be not less than ten nor more than twenty days after the issual of said summons, who shall proceed to fill said vacancy temporarily, as prescribed by subsections one, two, and three of section six, article six, chapter thirty-two, of the Revised Statutes, until the ensuing first Monday in August, and until his successor qualifies. The clerk of the county court shall issue a writ of election to permanently fill said vacancy as prescribed by section two, and subsections thereto, of article six, chapter thirty-two, of the Revised Statutes.

§ 2. Section six of article six, chapter thirty-two, of the Revised Statutes, is hereby repealed, so far as the same is in conflict with this act.

§ 3. This act shall be in force from its passage.

Approved January 24, 1872.

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#### Attorney General.

The Attorney General is required to give his opinion in writing, on the application of the Superintendent of Public Instructions, or of any County Attorney, Circuit Court Clerk, or County Court Clerk, touching any of the duties of his office.

Act February, 14, 1865.

By an act to provide for the assessment for taxation of the property of corporations, and the more speedy collection of back taxes due thereon, it shall be the duty of the Attorney General to represent the State in the said County Court in all such proceedings against corporations to recover back taxes; and he shall be entitled for his services to the same fees, to be taxed as part of the costs against such defaulting corporation, and to be paid by such corporation, that he would be entitled to for like services in the Franklin Circuit Court.

This act shall take effect from its passage.

Acts adjourned session, January, 1867, pages 185-6.

## CHAPTER 645.

**Fees of Clerks of Courts and other Officers.**

Acts 1865, pages 4, 5, 6, 7, 8.

AN ACT to regulate the Fees of Chancery, Circuit, and County Court Clerks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the clerks of the Chancery Courts, Circuit Courts, and County Courts (so far as the same will apply), shall receive the following fees for the services performed by them, viz:

For issuing each summons-----	\$0 30
For each copy thereof-----	20
For entering and filing return thereof-----	15
For each order of attachment-----	30
For each copy thereof-----	20
For each order of injunction-----	30
For each copy thereof-----	30
For each Subpoena <i>ad duces tecum</i> -----	40
For each subpoena for witness-----	30

*Provided,* That all of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.

For each warrant of arrest of a witness-----	30
For entering and filing sheriff's return thereof-----	15
For each order of arrest-----	30
For each copy thereof-----	30
For entering and filing sheriff's return thereof-----	15
For each order of delivery-----	30
For each copy thereof-----	30
For entering and filing sheriff's return thereof-----	15
For docketing a cause at each term-----	10
For entering appearance of each party or parties to a cause-----	15
For filing a petition, or any other pleading or amended pleading-----	15
For each order of court in any action-----	30
For each copy thereof-----	25
For each trial of a jury, including all the sevices incident thereto-----	1 00

For entering a judgment without jury-----	\$ 30
For each copy of a judgment-----	30
For taxing costs of each party or parties, at each term when judgment for costs is rendered, or on final judg- ment-----	30
For a copy of taxation of costs, if called for-----	20
For issuing an execution, including indorsements and re- turn thereof, to be charged when issued-----	60
For a copy of any execution-----	50
For recording each award of arbitrators, or a decree in chancery, or judgment in equity, for each twenty words,	02
For entering attendance of witnesses, and giving a cer- tificate thereof, and swearing witnesses-----	25
For each bond required to be taken by the clerk, including the administration of an oath to the securities, and the certificate thereof-----	75
For each copy thereof-----	30
For filing each appeal-----	15
For each summons thereon-----	30
For each copy thereof-----	20
For filing return thereof-----	15
For entering judgment on judgment book-----	30
For entering satisfaction, or release or discharge thereof, in whole or in part, in court or in judgment book, to be paid by the party procuring the same, and when made by the clerk-----	30
For administering an oath, and certificate thereof-----	20
For filing an attachment granted by a justice of the peace or county judge-----	15
For copying a surveyor's report, for every twenty words-----	02
For copying a plat, for each tract presented therein-----	25
For filing papers in any cause, for each party, exclusive of process, pleading, depositions, or papers referred to in the pleadings, to be charged as costs once to each party-----	30
For filing depositions of each party, to be charged but once in each case-----	15
For affixing seal of office and certificate of same, except in cases exempt from charge-----	50
For each writ of possession-----	1 00
For each official certificate-----	30
For issuing a writ of idiocy, or lunacy-----	50
For recording each inquisition under same-----	50
For each copy of such inquisition-----	50
For copying a record, for every twenty words-----	02
For copying any other paper, not specified, for every twen- ty words-----	02
For copying a deed, and certificates thereon-----	1 00

For copying a mortgage, and certificates-----	\$1 00
For taking a recognizance in court-----	50
For taking each replevin bond-----	50
For every summons required by law-----	30
For entering and recording on the order book commissioner's reports, or any exhibit or paper in any cause, when ordered by the judgment or order of the court, for every twenty words-----	02
For recording special verdict, for every twenty words-----	02
For recording an execution and its returns and indorsements, when land is sold thereunder, to be charged to plaintiff and included in the redemption price-----	50
For recording release or redemption of land sold under execution, to be added to the price of redemption-----	25
For recording transcript from a justice of the peace or quarterly court, in order to obtain execution from the circuit clerk's office, for every twenty words, to be paid by the plaintiff and charged as costs in said execution-----	02
For recording each bond required by law to be recorded in equity or chancery proceedings-----	50
For issuing each supersedeas-----	30
For each copy thereof-----	20
For each commission to take depositions-----	30
For copying courses and distances of any deed, for each tract, when demanded-----	25
For recording plat laid down in the allotment of dower or division of land, for each tract thereof-----	25
For copying each report thereof, for each twenty words-----	02
And for each plat, for each tract represented on the plat, including the description thereof-----	25
For entering satisfaction of a mortgage or lien, when entered on the margin of the record book-----	25
For receiving the acknowledgment, recording, and certifying each deed of release of a mortgage or lien-----	75
For a writ of <i>ad quod damnum</i> -----	1 00
For recording report thereon, for every twenty words-----	02
For recording a map or plat accompanying such report-----	25
For each order made by the clerk in vacation-----	30
For receiving the acknowledgment or proof of any deed, mortgage, or agreement, power of attorney, marriage agreement, or other agreement or written instrument required by law to be done, and certifying same-----	50
For recording powers of attorney, marriage agreement, and other agreements, allotments of dower, division of land and slaves, wills, inventories, sale bills, settlement of fiduciary accounts, and certificates thereof, for every twenty words-----	02
For each order in the county court-----	25

For each copy hereof-----	\$ 25
For recording a deed of real estate, taking the acknowledgment or proof thereof, and certifying the same, and recording his own certificate-----	1 25
For each additional certificate-----	25
For each additional tract embraced in said deed, except town lots-----	25
For copy of deed and certificate thereon-----	1 00
For recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole service-----	1 00
For each copy thereof-----	50
For the probate of a will and certificate, including all services relating thereto-----	50
For an order granting an administration, appointing guardian, curator, or committee of an idiot or lunatic, or appraisers of estate, or any fiduciary-----	25
For taking a bond from any fiduciary-----	50
For certificate of administration, or copy of it-----	25
For every tavern license and bond-----	1 00
For copy of tavern rates-----	25
For license to vend spirituous liquors-----	50
For order granting same-----	25
For marriage license, bond, certificate, and recording it-----	1 50
For order binding out an apprentice-----	25
For copy of same when ordered-----	25
For writing the indentures and recording same-----	1 00
For making a record for the establishment of a town, recording the plan thereof, and all other services-----	5 00
For taking a bond from the owner of a ferry, or in any other case where no fee is fixed specially by law-----	50
For copy of any bond-----	50
For recording post note of an estray, waifs, or wreck, and advertising same-----	75
For every order concerning the establishment, changing, and closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed, or discontinued, and by the applicant when it is not-----	30
For each order appointing surveyor of roads-----	25
For each copy thereof-----	20
The last two named to be paid out of the county levy.	
For each order in proceedings for private passways, to be paid by applicant-----	25
For each copy of same, to be paid by applicant-----	25
For each license to peddlers-----	1 00
For each license to stand a stud, jack or bull-----	50

For each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy -----	\$2 00
For recording mortgage of real estate, certificates, and all services connected with the same, the same as a deed of real estate -----	1 25
For recording mortgage of personality -----	1 00
For recording deeds of trust or assignments for the benefit of creditors -----	1 50
For taking bond required of the trustee or trustees in such cases, and including all services connected with it -----	1 00
For recording inventories required to be filed by the trustee, for every twenty words -----	02
For each certificate of election of an officer, to be paid by the person receiving it -----	50
For each license to a broker -----	1 00
For administering an oath to a broker -----	25
For each license to sell playing cards -----	1 00
For each bond required of a vender of playing cards -----	1 00
For copying tax-book for sheriff and auditor, for each line across the page of each copy, including the name of the person and the last number of total, value to be ascertained by the auditor, and paid out of the treasury -----	02
For each order and certificate allowing any claim against the county or state treasury where the claim exceeds \$5, and to be paid by the claimant -----	30
Similar fees for similar services shall be allowed in all cases in the name of the Commonwealth when a fine is assessed and collected.	

The Circuit Court Clerk shall be allowed the same fees now allowed by law for services rendered the Jury Fund, and be paid as now allowed by law.

For all services for which fees are not specifically allowed herein, the Clerks of the Circuit and Chancery Courts shall be allowed to charge and receive the same now allowed by law.

§ 2. This act shall be in force from its passage for three years, and, at the expiration of said time, said clerks shall not charge and receive any other or higher fees than are now fixed by law.

Approved January 21, 1865.

By act of February 9, 1872, the time was extended to 1874.

## CHAPTER 691.

Acts 1865, page 10.

AN ACT to regulate the fees of County Judges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the County Judges of this Commonwealth, for all services rendered in the quarterly courts, where their jurisdiction is concurrent with the Circuit Court, shall be entitled to charge and receive the same fees allowed by law to Clerks of the Circuit Courts for similar services; and where his jurisdiction is concurrent with Justices of the Peace, he shall charge and receive the same fees which Justices of the Peace are by law entitled to receive.

§ 2. For issuing a warrant for bastardy, one dollar.

§ 3. This act shall take effect from its passage.

Approved January 24, 1865.

## CHAPTER 38.

## Sheriffs.

Stanton's Revised Statutes, vol. 1, article 7, pages 521-2-3.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

ARTICLE VIII. § 1. For executing and returning a process against the defendant, 50 cents.

Serving an order of court and return-----	\$ 25
Summoning a witness-----	20
Summoning an appraiser or reviewer-----	20
For each day's attendance in the county on a jury, or attending on a surveyor, when ordered by the court-----	1 00
Whipping a free person, to be paid by the person whipped-----	40
Taking bond in a special action-----	40
For serving a <i>fieri facias</i> or distress warrant, if the debt be paid, or the property sold, or a delivery bond is taken, and not complied with, the Sheriff shall be entitled to 5 per cent. on the first \$300, and 2 per cent. on the residue.	

**Sheriff's Fees Increased.**

The fees of Sheriff, as given on pages 100 and 101 of Bolling's Guide, are *not* the latest regulating Sheriff's Fees; hence we send these three pages *with the Book*.

Below we give the fees as regulated by act, approved January 24, 1871, which are correct.

## AN ACT to fix the fees of Sheriffs.

Approved February 4, 1865.

§ 1. That from the passage of this act, sheriffs shall be allowed to charge and receive the following fees, viz:

For executing and returning process against each defendant.	\$0 60
For serving an order of court and return.....	50
For summoning each witness.....	25
For summoning an appraiser and reviewer.....	40
For each day's attendance in the country on a jury, or attending a surveyor, when ordered by the court.....	1 00
For taking any bond which he is authorized or required to take in any action or proceeding, except sale or delivery bonds.....	50
For collecting money under execution or distress warrant, if the debt be paid or the property sold, or a delivery bond be given and not complied with, the sheriff shall be entitled to six per cent. on the first three hundred dollars, and three per cent. on the residue. When he shall levy an execution or a distress warrant, and the defendant replevies the debt, or the writ is staid by injunction, appeal, or other legal proceedings, or by order of the plaintiff, the officer shall have half of the above commissions, to be charged to the plaintiff, and collected as costs in the case.	25
For taking a recognizance of a witness.....	25
For levying each attachment.....	60

## ERRATA.

The three foregoing pages to be substituted for pages 100 and 101.

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Page 117, eighth line, "two dollars," read "one dollar."

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Page 192, first line, "moving," read "proving."

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Page 196, middle of the page, "one dollar for taking depositions," should be "two dollars."—See *Amendment*, December 21st, 1863. Myers' Ky. Codes of Practice, pages 186-7.

§ 647. That section six hundred and forty-seven, subdivision three, article two, chapter three, of the civil code of practice, entitled "Evidence," be, and the same is, so amended, as to allow examiners and other officers now authorized by law to take depositions, two dollars per day for each day they may be engaged in taking any one deposition: *Provided*, that one or more days be consumed in the taking of the same.

1. When he shall levy an execution or a distress warrant, and the defendant replevies the debt, or the writ is staid by the injunction, appeal, or writ of error, or other legal proceeding, or by order of the plaintiff, the officer shall have the above commissions, to be charged to the plaintiff, and shall be collected as costs in the case,	
2. For taking a repleven, or forthcoming, or indemnifying bond, or any other bond required by law-----	\$ 40
For taking a recognizance-----	25
For levying an attachment, 50 cents; and reasonable charges for removing and taking care of attached property, to be allowed by the court.	
Summoning a garnishee-----	25
Serving a writ of distringas-----	50
Summoning the jury under the rioting act, attending the trial, and conducting the offender to jail, to be paid by the defendant-----	1 50
Serving the process in such case-----	25
Summoning a witness-----	20
In collecting the county levy or revenue tax, the Sheriff shall receive for levying on and selling any property, on all sums under a dollar-----	25
3. For all sums above a dollar, 6 per centum in addition thereto.	
4. Such sums to be retained out of the money arising from the sale, to be paid over and above the tax.	
5. He shall have the same compensation for similar services in collecting officer's fees, to be paid in the same manner.	
For serving an order or process of revivor-----	50
For each tenant, in executing a writ of possession-----	1 00
For serving a <i>ca. sa.</i> the same commission as on a <i>fit. fa.</i> If the debt is not paid, staid, or secured, half commission.	
Summoning and attending a jury in a case of forcible entry and detainer, \$4; besides his fees for summoning witnesses.	
Summoning a jury to try disturbers of religious worship, attending the trial, and conducting the offender to jail-----	1 50
Arresting such person-----	50
All the costs in such case to be paid by the accused, if convicted.	
Collecting militia fines and fee bills, 10 per cent.	
Serving a notice-----	25
§ 2. No Sheriff or other officer shall charge any fee for taking a sale bond for the price of property sold under execution.	

## CHAPTER 645.

**AN ACT to regulate the Fees of Sheriffs.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That in all cases when the Sheriff attends a jury, under a writ *ad quid damnum*, for his entire services his fee shall be four dollars.

Approved February 16, 1858.

## CHAPTER 695.

**AN ACT to regulate the Fees of Justices of the Peace.**

Acts 1865, page 11.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter Justices of the Peace in this Commonwealth shall receive the following fees for the following services, to-wit :

For warrant or summons-----	\$0 25
For each subpoena for witnesses-----	20
For each original judgment-----	25
For recording same-----	25
For each execution-----	25
For order of attachment-----	25
For taking bond-----	25
For issuing summons for garnishee-----	20
For issuing a distress warrant for rent-----	25
For taking a replevin bond or recognizance-----	25
For swearing a person and giving a certificate-----	20
For taking depositions, same fees allowed examiners.	
For issuing a peace warrant-----	50
For presiding at trial for breaches of the peace-----	2 00
For superintending trial of writ of forcible entry or detainer, per day-----	2 00
For copy of record certified, two cents for every twenty words.	
For attending at the court of claims, or any county court where required to preside, per day, to be paid out of the county levy-----	2 00
For presiding at examining court, per day, to be paid out of the treasury-----	2 00

For issuing warrant of arrest for witness or witnesses	\$ 25
For certifying record and papers on appeal	25
For entering and giving a post note of an estray, or boats or waste taken adrift	25
For order causing bulls, studs, or jacks running at large to be altered	25
For order commanding owner of distempered cattle to im- pound them	25
For taxing costs in each case	10
For entering each witness' attendance, and certificate thereof	10

§ 2. This act shall take effect from its passage.

Approved January 24, 1865.

## CHAPTER 694.

### AN ACT regulating the Fees of Constables.

Acts 1865, pages 10 and 11.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Constables shall be allowed to charge the following fees, viz :

For serving a summons in any civil case, on each defendant, before a justice of the peace	\$ 1 50
For serving a peace or search warrant, for each defendant	1 00
For levying an attachment	50
And the reasonable value for removing and taking care of any attached goods, to be allowed by the court.	
For summoning a garnishee	50
For taking up a vagrant	50
For summoning a witness	20
For collecting money under execution or other legal pro- cess, taking a replevin or forthcoming bond, or for a stay of execution, the same commission as may be allowed a sheriff, and one per cent. more.	
For collecting fee bills, twelve per cent.	
For summoning and attending a jury	1 00
For serving a notice on each person notified	25
For arresting and carrying a slave before a justice of the peace or other officer	50
For all other services he shall be allowed the same fees as sheriffs.	

§ This act shall be in force from its passage.

Approved January 24, 1865.

## CHAPTER 848.

**AN ACT to increase the Fees of Jailers.**

Acts 1865, page 69.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**§ 1.** That hereafter the fees of the Jailers of this Commonwealth shall be as follows, and be paid as now provided by law.

For putting a prisoner in jail and releasing him-----	\$ 0 60
For keeping and dieting each prisoner, per day-----	75
For attending circuit court, per day-----	2 00
For attending county and quarterly courts (to be paid out of the county levy), per day-----	2 00
For furnishing fuel, lights, etc., to circuit and county courts, a reasonable compensation, to be allowed by the respec- tive courts, the former to be paid out of the Treasury, and the latter out of the county levy.	
For putting a prisoner in irons, beside the cost of the irons-----	50
For all other services performed by him, the same fees as sheriffs.	

**§ 2.** This act shall take effect from its passage, and to remain in force for three years.

Approved February 7, 1865.

## CHAPTER 419.

**AN ACT to continue in force an act, entitled "An act to increase the fees of Jailers," approved February 7, 1865.**

Acts regular session, December, 1869, page 15.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**§ 1.** That the act approved 7th February, 1865, entitled "An act to increase the fees of Jailers," be, and the same is hereby, continued in force from its passage.

**§ 2.** This act shall take effect from its passage.

Approved February 13, 1868.

### County Attorneys.

By an act approved February 25, 1860, county attorneys were allowed 30 per cent. of certain fines. (See acts 1859-60, vol. 1, page 50.) But said act was repealed by act February 14, 1861, page 15.

#### AN ACT to fix fees of County Attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the county attorneys in this State to prosecute all persons charged with criminal offenses, before the courts of inquiry in said cases in their respective counties, and to assist the Commonwealth's attorneys in all proceedings for the forfeiture of recognizances or other bonds, in the taking of which he shall have represented the Commonwealth.

§ 2. Said county attorneys shall receive, in addition to their present fees, fifteen per cent. of all judgments on forfeited recognizances or bail bonds in their respective counties; said amount to be deducted from the amount now allowed by law to Commonwealth attorneys: *Provided, however,* That this additional fee shall not be paid the county attorney unless he shall have represented the Commonwealth in the prosecution in which said bond or recognizance was taken.

§ 3. This act to take effect from and after its passage.

Acts 1867-68, page 23.

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County attorney to be allowed and certified by the court for taking depositions, when required by the auditor, in a case where the Commonwealth is a party, two dollars a day, also the legal costs of said suit when certified by the court.

### Attorneys at Law.

It is the aim and objects of our courts that the bar should be kept pure, and its members above reproach.

The position of a lawyer is a very responsible and important one. For, if he is dishonest or lacks legal education, he may easily ruin his client. Not only so, but our judges are chosen from among the members of the bar. Therefore much watchfulness should be exercised by the judges in examining any one applying for a license to practice law.

A candidate for admission to the bar must procure from the county court a certificate that he is "a man of honesty, probity, and good demeanor."

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### License to Practice Law.

Chapter four of the Revised Statutes, requiring a person to be twenty-one years old before he shall obtain license to practice law, repealed, but any person who shall obtain a license to practice law shall be responsible for his acts and contracts as an attorney at law, as if he was of full age.

Acts regular session, 1871-72, page 19.

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### Attorney at Law to have a Lien for the Amount of his Fee.

Attorneys at law, when he or they have been employed, by either the plaintiff or defendant, in any action which is prosecuted by him or them to recovery, shall have a lien upon any property, either personal or real, which may be recovered in any such action, for the amount of any fee

which may have been agreed upon by the parties, or in the absence of such agreement, for a fair and reasonable fee for the services of such attorney.

Acts adjourned session, 1869-70, page 5.

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Not to keep office in clerk's office.

Act March 3, 1863.

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In the absence of the Commonwealth's attorney at any term, or part of a term of the circuit court in his judicial district, the judge of such court shall appoint some suitable attorney to act in his place during his absence. He shall enter up an order making a reasonable allowance to be paid out of the public treasury to the person so appointed, and the same shall be deducted from the annual salary of the Commonwealth's attorney; a copy of which order shall be forwarded by the clerk of the court to the Auditor of Public Accounts.

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Attorneys at law to be allowed for prosecuting cases under act entitled "An act to provide compensation to one or more persons who may prosecute suits for the benefit of themselves and others." See Stan. R. S., vol. 2, page 714.

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#### Clerk County Court.

County court clerks are elected for the term of four years.

Upon the first day of each term of court, each clerk shall have in his court or office all the public books heretofore granted him, or his predecessor in office, that can be found, with a catalogue of the same, which catalogue shall be filed by order of court.

Acts 1857-58, vol. 1, pages 67, 68.

Clerks authorized to purchase book in which to record bonds in equity, and a cross-index for same.

Acts 1857-8, page 31.

Clerk's fee for recording said bond, thirty cents.

Clerks required to make an account of all moneys received up to the first day of court, and pay over to trustee of jury fund.

To exhibit in court an account of taxes and other money received.

Clerks of circuit courts, at the term next preceding the first day of January, and clerks of county courts, at the October or November term of their county courts, shall exhibit to their respective courts a statement, in writing, of all taxes and other public moneys received by them, of whom, for what, and when received, for twelve months next preceding; which shall be verified by them upon oath, and entered of record, and the original, certified with the order of the court, shall be transmitted by them to the Auditor of the State. The amount thereof, after deducting five per cent. for commissions, and such other sums as they may have, by order of court, paid over to the trustee of the jury fund, they shall pay into the public treasury on or before the first day of January in each year.

#### License.

The clerk of the county court is referred to chapter eighty-three of the Revised Statutes, vol. 2, pages 238 to 271, inclusive.

The fees of the Clerk of the County Court, for services rendered, under the provisions of said chapter eighty-three, and not otherwise provided for, shall be as follows:

For copying tax book for Sheriff and Auditor, for each line across the page of each copy, including the name of the person and the last number of total value, two cents; to be ascertained by the Auditor and paid at the Treasury.

For issuing a license under this chapter, twenty-five cents, paid in advance.

For taking bond when required, twenty-five cents, to be paid by the applicant, in advance.

§ 1. That section 11, article 2, chapter 83, Revised Statutes, be so amended as to require Clerks of County Courts (in addition to reports now required by law), to report on the first day of the fall term of their respective Circuit Courts, a complete list of all those reported by the Assessors as owners of stud horses, jacks, and bulls, showing who have taken out licenses, the amount paid therefor, and to whom paid; which report shall be recorded by the Clerk of the Circuit Court and certified to the Auditor, and a list of those who have not taken out license made out and given in charge to the grand jury for inquiry.

§ 3. That it shall be the duty of the Clerks of the Circuit and County Courts, and of the Trustees of the Jury Fund of this Commonwealth, to keep a well-bound book in their offices, in which they shall enter, at the time it is receivable, or when received, all taxes or other moneys received by them for the Commonwealth, showing of whom received, on what account, amount, and date; which book shall, at all times, be subject to the inspection of any officer representing the Commonwealth.

Acts 1863-4, pages 42, 43, 44.

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#### Peddlers.

§ 1. That the fourth section of the second article of the eighty-third chapter of the Revised Statutes be so changed

as to increase the tax on a license to a peddler, for the whole State, from fifty dollars to sixty-five dollars for twelve months.

§ 2. That the fifth section of the second article of the same chapter of the Revised Statutes be so changed as to increase the tax on a license to sell or peddle for three months, in one or more counties, for each one hundred voters in the counties named in such license, from fifty cents to sixty-five cents.

Acts 1853-4, vol. 1, page 178.

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Laws authorizing a State license repealed. License to be obtained from clerk of county court.

On a license to a peddler of watches, silver-ware, jewelry, or gilt-ware, or of goods, wares, and merchandise, or to peddlers and itinerant venders of pills, medicines, and nostrums, twenty dollars for twelve months, for each county named in the license.

On a license for a clock peddler, twenty dollars for twelve months, for each county named in the license.

§ 5. On a license to sell or peddle for three months, in one or more counties, for each ~~one~~ hundred voters in the counties named in such license, fifty cents.

On a license to peddle goods or clocks, or other commodity, in a county, exclusive of the city or town thereof whose population is above forty thousand, for three months, fifty cents for each one hundred voters in said county, exclusive of those resident in the city or town, the number of voters to be ascertained by the Assessor's books.

On a license to peddle goods, merchandise, or clocks, in a city or town whose population exceeds forty thousand, for twelve months, thirty dollars; for six months, twenty dollars, and for three months, ten dollars.

§ 6. A license to keep a tavern shall be granted in the mode prescribed by the law regulating taverns and tavern-keepers; all other licenses named in article 2 of chapter 83 of Revised Statutes, except licenses to merchants to retail spirituous liquors, shall be granted by the Clerk of the County Court, under the seal of his office, upon the applicant producing to him the receipt of the Sheriff of the county for the payment of the tax, or payment of the same to the Clerk, and taking the oath before the Clerk, as required above.

§ 7. But one person, and he the person named in such license, shall sell under or exercise the privileges granted by the same. Licenses granted under this article are not assignable, nor shall the Clerk give copies or duplicates thereof.

§ 8. No license shall be granted by the authorities of any town or city of this State, authorized to grant licenses to a tavern or coffee-house keeper, or other person, to retail spirituous liquors, or to keep a nine or ten-pin alley or bowling saloon, until such applicant shall have paid to the Clerk of the County Court the State tax imposed by law; neither shall such license be granted for a longer time than twelve months. Persons required by this section to obtain a license, if they exercise the privileges thereof under a license granted by the authorities of a town or city, without having first obtained the license from the County Clerk, as above required, shall be subject to the penalties and disabilities imposed for keeping tippling houses. If the person be the keeper or owner of a nine or ten-pin alley or bowling saloon, he shall forfeit and pay two hundred dollars.

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§ 1. That the act, entitled, "An act to amend the several acts in relation to peddlers," approved March 4th,

1856, so far as it may apply to itinerant persons vending goods, wares, merchandise, or other things, or offering to vend the same by sample, which are not the products or manufacture of this State, be, and the same is hereby, repealed, to the extent that the said act shall not apply to, or be enforced against, merchants or their agents, residing in or out of this State, who may vend, or offer to vend, by sample, goods, wares, merchandise, or manufactures made within or without this State, to merchants, dealers, or other persons living within the State.

§ 2. That in lieu of the license required to be obtained by the act referred to in the first section hereof, the persons named therein shall be required to obtain a license for the whole State, to be renewed every twelve months, and for which they shall pay a tax of two hundred dollars (\$200), to be a part of the revenue proper; and the same shall be governed and regulated by the provisions of section four, article two, chapter eighty-three, of the Revised Statutes, so far as the same are applicable, and said section to that extent is hereby re-enacted.

Acts regular session, 1869-70, page 104, 105, approved March 18, 1870.

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#### DISTINCTION BETWEEN CITIZENS OF THIS AND OTHER STATES.

##### LICENSES MAY BE GRANTED TO CITIZENS OF THIS STATE.

Clerk shall fix the seal of the court, for which the applicant shall pay a tax of fifty cents, and to the clerk a fee of one dollar and fifty cents.

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#### Billiard Tables.

The several county courts of this Commonwealth shall have power to grant licenses for billiard tables, to be kept within their respective counties, outside of the corporate limits of the cities and towns of such counties.

Thirty dollars to be paid to the Clerk of the County Court for the first table, and twenty dollars for each additional table.

The Clerks of the County Courts shall account for the money received by them under the provisions of this act as for other taxes, and the same shall be placed to the credit of the common school fund of the State. For receiving the money and issuing the license, or executing the receipt aforesaid, the Clerk shall receive the sum of one dollar, to be paid by the applicant.

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All incorporated cities and towns shall have power to grant licenses for billiard tables, to be kept within the limits of such cities and towns. But before the license shall take effect, the person or persons to whom the same is granted shall pay to the Clerk of the County Court the sum of thirty dollars for the first table, and twenty dollars for each additional table authorized to be kept, and take his receipt for the same.

On a license to a coffee-house keeper, or other person licensed by a city or town to retail spirituous liquors, ten dollars.

The tax on a license to keep a nine or ten pin alley, or bowling saloon, for twelve months, shall be as follows:

If the population of the county, including all cities and towns therein, shall exceed ten thousand souls, twenty dollars; if under that number, ten dollars. When the proprietor or keeper has more than one alley or table in the same building, he shall pay a tax on each.

On a license to sell or peddle goods, wares, or merchandise, on the Ohio, Mississippi, or any other river within this State, in any one county bordering on said rivers, or through which any such river may run, for twelve months, ten dollars.

On a license to a merchant to sell spirituous liquors, five dollars. Licenses to merchants shall be granted by the County Court only upon satisfactory evidence that the applicant is in good faith a merchant, and his business is that of retailing merchandise, and that he has not assumed the name and business of a merchant with the view and object of obtaining a license to sell spirituous liquors.

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#### Tavern Keeper's License.

§ 1. That the privilege to sell spirituous, malt, or fermented or other intoxicating liquor, shall not be implied or embraced in any license to keep a tavern, coffee-house, boarding-house, restaurant, or other place of entertainment, licensed by any County Court or Board of Trustees within this State, unless the Judge of the court, or Board of Trustees, shall deem it expedient to grant such privileges, and shall specify the same in the license.

§ 2. No such court shall grant said privilege unless the Judge shall be satisfied that the application is not made to keep a grog-shop under a tavern license, and the privilege is required for the convenience of travelers: *Provided*, That the tax or license to vend ardent spirits shall be twenty-five dollars instead of the tax now paid.

§ 3. That so much of the Revised Statutes, chapter 99, title, "Taverns, Tippling-houses, &c.," as is contrary to this act, is repealed.

Acts 1867, pages 10, 11.

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Tax on a license to keep a tavern without authorizing the sale of spirituous or malt liquors, ten dollars.

On a license to a merchant to sell spirituous liquors, five dollars.

Tavern-keeper to give ten days notice of his intention to apply for a license by posting written or printed notices in four (4) or more of the most public places in the neighborhood, and one upon the court-house door. Before such license is granted he shall pay to the Clerk the tax thereon.

Acts adjourned session, March 21, 1871, pages 81, 82.

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On a license to the keeper or owner of any itinerant or other menagerie, circus, or theatrical performance, one dollar per day for each day's exhibition thereof for one hundred voters resident in the county in which such exhibition, show, or performance may be made, exclusive of cities whose population is above twenty thousand souls, in which cities the tax shall be twenty dollars for each day. The number of days for which the license is granted shall be stated on the face thereof.

On a license to stand a stud horse, jack, or bull, in the State of Kentucky, an amount equal to the greatest sum charged for the service of the same, whether that sum be for the season or insurance; which license shall expire on the thirty-first day of December in each year. The applicant for such license shall state, on oath, the largest amount he intends to charge, directly or indirectly, for the services of said stud, jack, or bull, and if in property or other thing, the value of the same.

§ 9. A license to keep a nine or ten-pin alley or bowling saloon, shall be granted by the County Court to persons of good character only upon payment of the tax, and execution of a bond, with good surety, in the penalty of one hundred dollars, conditioned that no gaming, no riotous or disorderly conduct shall be allowed upon said alley, or within said saloon, or in the building containing the same.

## CHAPTER 128.

**License for Imported Stallion, Jack, or Bull.—Affidavit of Applicant to be Filed with County Clerk.**

Acts regular session, 1871-2, page 11.

**AN ACT to amend section 5, article 2, chapter 83, Revised Statutes, title "Revenue and Taxation."**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That where a stud horse, jack, or bull may be purchased and brought into this State, from any other State, or foreign country, by a citizen of this State, between the first day of July and the thirty-first day of December in any year, the tax on a license to stand such stud horse, jack, or bull, until the thirty-first day of December after he is brought into this State, shall bear the same proportion to the annual tax now required by law that the time for which such license has to run bears to a whole year.

§ 2. All persons making application for license under this act shall make and file, with the Clerk of the court before whom such application is made, an affidavit, stating when such animal was brought into this State, where brought from, the name of the owner or owners, and that they are citizens of this State.

Approved January 30, 1872.

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Tax on law process, the recording of deeds, powers of attorney, official copies and seals, shall be as follows, and paid in advance :

On each original suit or proceeding in law or equity, except proceedings before a Justice of the Peace, commenced with or without original process ;

On each appeal to the Circuit Court from an inferior tribunal ;

On each traverse of forcible entry and detainer ;

On each procedure to revive a judgment or decree;

On each deed or power of attorney to convey real or personal estate;

On the seal of any Court required by law to keep a seal —each fifty cents.

On each writ of error from the Court of Appeals, one dollar.

On an appeal to the Court of Appeals, two dollars.

On each verdict of a petit jury in the Circuit Court, four dollars. The same tax shall be paid when the parties withdraw a jury, or the plaintiff sustains a non-suit after the jury is sworn.

On each copy of a patent or survey from the Register's office, fifty cents; copy of an entry or land warrant, twenty-five cents; recording plat and certificate, and patent on the same, twenty-five cents, copy of an assignment, twelve and a half cents; registering a survey and issuing a patent on same, one dollar.

On the seal of the Commonwealth, two dollars.

§ 15. Clerks shall be allowed, upon a settlement with the Auditor, five per cent. commission on all taxes or revenue collected by them.

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§ 2. The annual tax on the license to a broker or dealer in exchange shall be as follows:

When the amount of capital employed, or business expected to be done, whichever is greatest, is under five thousand dollars, fifty dollars.

Over five thousand, and under ten thousand dollars, seventy-five dollars.

Over ten thousand, and under fifteen thousand dollars, one hundred dollars.

Over fifteen thousand, and under twenty thousand dollars, one hundred and twenty-five dollars.

Over twenty thousand dollars, one hundred and fifty dollars.

§ 3. The Clerk of the County Court shall grant to the applicant a license to carry on the business of broker or exchange dealer, when the following conditions are complied with :

The applicant shall state the place or the county at or in which he intends to carry on said business. He shall state, on oath to be administered by the Clerk, the amount of capital and the highest amount of business expected to be done. He shall pay to the Clerk the tax due under the second section of this article. The certificate of which oath, and the receipt of the Clerk for the tax, specifying the place in which the business is to be conducted, under the seal of office, shall be a license to the person applying, but to no one else ; and not to him in any other place.

The County Clerk to keep a book to record enrolled militia.

Acts 1859-60, page 142.

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County Clerk allowed one cent for each name returned by the Assessor and enrolled by the Clerk.

Ibid.

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County Clerk's fees under act March 2, 1860, requiring Trustees to execute bond shall be the same as allowed for similar services in granting administration.

Acts 1859-60, page 109.

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County Courts authorized to have re-bound any books of record which may require it, and the same be paid out of the county levies.

Acts February 20, 1864, page 103.

For copying tax book for Sheriff and Auditor, for each line across the page, including the name of the person and the last number of the total value, one cent and a half.

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For recording receipts where defendant redeems land—  
for recording each receipt, fifteen cents.

Act of March 2, 1860, page 112.

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County Clerks shall receive the same fees for copying the delinquent list as they are allowed by law, for copying the assessor's books, to be paid in the same manner.

Act of March 16, 1869, page 82.

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The Clerks of the county courts shall be allowed two cents for every twenty words for recording any instruments required by an act to authorize the formation of corporations for mining and manufacturing and other purposes, approved February 7, 1867, to be recorded, and the same for a copy thereof; and the Secretary of State shall be allowed, for copies of any papers required herein to be filed in his office, the same fees as now allowed him by law for copies from his office, and a fee of one dollar for the letters patent, and the usual fee for affixing the seal to the same; and copies of the papers required herein to be recorded, shall be *prima facie* evidence in all the courts of this State.

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The fees for copies of depositions shall be the same as allowed by law for copies of pleadings; and the fees shall be tendered to the custodian of the depositions.

Duty of any court or officer having custody of depositions, and having no seal of office, upon application for a

copy, to make out one, and cause the same to be certified by the Clerk of the Circuit or County Court with the seal of his office—fees to be tendered first.

Act December 19, 1861, page 37-8.

In road cases, clerks are allowed a fee of twenty cents for each road order, and ten cents for each copy, for which no fee has been allowed. Sheriffs are allowed thirty cents for serving such orders, both to be paid out of the county levy, and allowed at court of claims.

Act March 1, 1860.

County clerks liable to indictment and fine for failing to return commissioners book to auditor.

Act April 4, 1861.

Clerks, in certifying deeds, etc., to state that original papers was duly stamped, when such is the fact.

Act February 28, 1863.

Clerks to certify, with official seal, surgeon's certificate free of charge.

Act January 23, 1864.

When land redeemed, receipts to be recorded—fee fifteen cents for each receipt.

Act March 2, 1860.

County clerks to report on the first day of the fall term of Circuit Court, a complete list of all those reported by the assessor as owners of stud horses, jacks, and bulls, showing who have taken out license, etc.

Act February 2, 1864.

County clerk to make out and furnish to each clerk of an election, in their respective counties, a poll, at each election. Court of Claims to make a reasonable allowance, to be paid out of the county levy.

Act February 17, 1866.

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County clerk, for filing statement and license of and giving receipt for taxes due the Commonwealth by foreign insurance companies, shall receive a fee of one dollar, to be paid by the agent of the company.

Act February 3, 1866.

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Clerks of courts, may make fee bill for amount of revenue stamp furnished by them.

Act February 17, 1866.

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#### List of Claims.

Within twenty days after the termination of each session of court, clerk shall make out and certify alphabetical list of claims, payable out of the public treasury, and transmit same to auditor.

Stan. Rev. Stat., vol. 1, page 242.

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Authority to purchase blank books, presses, cases, office seals, etc.

Stan. Rev. Stat., vol. 1, page 242.

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Clerks of courts—oath of office and bond.

Stan. Rev. Stat., vol 1, page 246.

§ 1. That all civil officers of this Commonwealth, now or heretofore in office, or their personal representatives, shall have the further time of two years from the first day of April, 1871, to collect and distrain for their uncollected fee bills, subject to all the penalties now in force for the illegal issuing and collecting of fee bills.

§ 3. That the provisions of this act shall not extend, apply to, or authorize the collection of any fee bill or tax claim which accrued more than two years before the same was demanded of the person liable therefor, or of his personal representative.

Act March 21, 1871, pages 82-3.

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County clerks required to affix their official seal, free of charge, to all necessary papers of soldiers, their widows, etc.

Act of August 22, 1862.

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#### Compensation to Clerk of Court for Services under Pension Laws.

On June 3, 1865, county courts were authorized to make compensation to county court clerks for services under the pension laws.

On the 30th day of January, 1867, the act was so amended as to apply to clerks of the circuit courts of this Commonwealth.

## CHAPTER 41.

AN ACT to repeal an act authorizing County Courts to make compensation to County Clerks under Pension Laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled "An act authorizing County Courts to make compensation to clerks for services under the pension laws," passed June 3, 1865, be, and the same is hereby, repealed.

Approved January 14, 1870, (see page 7).

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**Registry of Suits brought to Settle Insolvent Estates.**

**CLERKS OF CIRCUIT COURTS TO KEEP REGISTRY OF ALL SUITS TO SETTLE DECEASED'S ESTATES, AND REPORT TO THEIR RESPECTIVE COURTS OF THE FILING OF SUITS, AND THE STYLE OF SUIT, THE DECREE WHEN MADE, DIRECTING THE DISTRIBUTION OF ESTATES, AND COUNTY CLERK SHALL KEEP AN ALPHABETICAL REGISTER OF THE SAME.**

**COUNTY CLERK TO RECORD NOTICE AND STYLE OF SUIT IN BOOK USED FOR RECORDING SETTLEMENTS.**

§ 3. For services rendered under this act, the clerks of circuit, chancery, and county courts shall be entitled to the fees now allowed by law for similar services in other cases, the same to be taxed by the circuit or chancery court clerks as part of the costs of the action; the county court clerks shall charge their fees to the plaintiff in such suits.

See acts adjourned session (January, 1871) of Acts 1869-70, page 93.

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**Sheriff's Settlements.**

When the report of the settlement of the accounts of the Sheriff, required by section 6 of article 3, chapter 26, Revised Statutes, and the amendments thereto, shall be

filed in the County Court, and said report and settlement of accounts shall be approved by the County Court, the same shall be spread at large on the order-book of the court, or in some suitable book provided for that purpose; for which the said court shall make to the clerk a reasonable allowance, to be paid out of the county levy.

Acts adjourned session, (January, 1871) of 1869,-70, page 48.

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### Reports of Settlements.

Reports of settlements shall be returned to the Clerk of the County Court. Clerk shall indorse on the report the time of filing the same, and it shall lay over one term for exceptions to be filed. If no exceptions are filed by the second term of the court, the report shall, if approved, be recorded.

If exceptions are taken, other evidence besides that reported may be heard, and the court shall open the whole case, alter or amend the report, and order it to be recorded, or so order it without altering or amending it, as shall appear right and legal. The vouchers accompanying the report shall not be recorded, but must be carefully kept on file in the clerk's office.

Stan. R. S., pages 331-2.

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## CHAPTER 884.

Acts 1865-6, page 70.

AN ACT to amend section 4, article 2, chapter 83, Revised Statutes.  
*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. If any such keeper of any itinerant, or other menagerie, show, circus, or theatrical performance, make exhibition thereof before obtaining license so to do in any such city, town, or county, he shall be fined for each offense, to be recovered by warrant before a justice of the

peace within such city, town or county, and the Commonwealth may have attachment against the property of such keeper, to be granted without oath or bond, upon the written petition of the county attorney for the county within which such city, town, or county is located.

§ 2. That the city of Louisville is hereby exempt from the provisions of this act.

§ 3. This act to take effect from its passage.

Approved February 17, 1866.

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County Clerk to keep a record book, in which to record articles of incorporation.

See acts regular session of 1869-70, pages 94 to 98 inclusive.

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§ 3. Before commencing any business, except that of their own organization, they must adopt articles of incorporation, which shall be signed and acknowledged by them as deeds are required to be acknowledged, and recorded in a book kept for that purpose in the office of the Clerk of the County Court of the county where the principal place of business is to be. \* \* \* \* \*

§ 25. For taking and certifying the acknowledgment of the articles of incorporation, the Clerk of the County Court shall receive a fee of one dollar, and for recording the same he shall receive a fee of ten cents for each one hundred words, and the Secretary of State shall receive a like fee for recording the same in his office.

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#### Deeds.

Deeds should be lodged with the Clerk for record, within eight months from the date thereof. If out of the United States, within eighteen months.

No deed shall be held to be lodged for record until the tax be paid thereon.

Memorandum of acknowledgment of a deed endorsed by Deputy may be written out by principal Clerk.

Act March 9, 1854, page 155.

## CHAPTER 275.

Acts Regular Session, 1871-2, page 32.

AN ACT to amend section 17, chapter 24, Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section seventeen, chapter twenty-four, of the Revised Statutes, be amended by inserting the words, "or his deputy or a notary public," after the words "clerk of a court," in said section.

§ 2. This act to take effect from its passage.

Approved February 14, 1872.

## Deeds or Mortgages.

Release of lien by deed or mortgage may be discharged by an entry, acknowledging satisfaction of the same on the margin of the record thereof.

Moorehead & Brown, 408.

## Unlawful for County Clerk to Open Poll-Books.

Acts regular session, 1871-2, page 48.

AN ACT to amend section two, article five, chapter thirty-two, of the Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two, article 5, title "Comparing Poll-books, Certificates," chapter thirty-two, title "Elections, of the Revised Statutes," be, and the same is hereby, so amended as to make it unlawful for any County Clerk, or

any other person, to break the seal of the poll-books, or open them, before the comparing board or a majority of them meet to compare the poll-books and certificates.

§ 2. Any person or persons violating the provisions of this act shall be fined not less than fifty nor more than five hundred dollars, or shall be imprisoned in the county jail not less than three months nor more than six months, or both, at the discretion of the jury.

§ 3. This act shall take effect from its passage.

Approved March 13, 1872.

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County Clerk authorized to deliver to the owners, or to any administrator, executor, or guardian of such owners, any railroad tax receipts that are or may be filed in settlements in his office, taking receipts for the same from those to whom the receipts are delivered.

Acts 1864-5, page 14.

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## CHAPTER 1166.

### Peddlers Selling by Sample.

Acts 1859-60.

AN ACT in relation to peddlers selling by sample card, or otherwise, in Jefferson county and city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. It shall not be lawful for any person or persons to sell, within the city of Louisville or county of Jefferson, by sample card or otherwise, any goods or merchandise of any description whatsoever, for or on account of any merchant, manufacturer, or other persons not having his place of business within this State, and to whom a license has not been granted under the laws of this Commonwealth; and if any person shall sell or exhibit for sale, either by sample card or otherwise, in the city of Louisville or

county of Jefferson, any goods or merchandise in violation of the provisions of this act, such person or persons so offending shall be liable to a fine of three hundred dollars for every such offense, which may be recovered by a suit in the name of the Commonwealth, before any circuit, county, or city court, or Justice of the Peace of the city of Louisville or county of Jefferson, one-half to the use of the informer, who shall be a competent witness in such case, and the other half to be paid to the Treasurer of the State for the use of the common school fund.

§ 2. A license to sell goods and merchandise within the county of Jefferson or city of Louisville, by sample card, specimen, or otherwise, shall be granted by the County Court of said county, to any person who may not have his principal place of business within this State, on payment to the Clerk of said county, for the use of the State three hundred dollars: but no license so granted shall authorize such person to vend goods or merchandise in the manner aforesaid, for a longer period than one year from the day on which it may be issued.

§ 3. This act to take effect from its passage.

Approved March 2, 1860.

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#### Commercial Travelers—Important Decision.

The State of Maryland assumed the power to impose a license tax upon non-residents selling goods by sample. The United States Supreme Court, in a decision made the 11th of December, 1871, held that the statute is a violation of the clause of the Constitution which guarantees to the citizens of each State the rights, privileges, etc., of the citizens in the several States, and that it is therefore void; but the view is taken that it is not a violation of the commercial clause of the Constitution, if the tax on residents and non-

residents is equally laid. Mr. Justice Clifford delivered the opinion of the Court. Mr. Justice Bradley concurred in the opinion as to the first branch of the decision, but dissented as to the second, holding that the statute is a violation of the commercial clause of the Constitution, because it is a regulation of commerce between the States, and that it is repugnant to this clause of the Constitution without regard to the equality of the tax.

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**Pauper Lunatics—Compensation for Caring for Lunatic.**

§ 2. It shall be the duty of the several clerks of this Commonwealth, when a person has been found to be a pauper lunatic, to copy the inquisition and judgment of court to the superintendent of one of the asylums; and if said lunatic can be received, he or she, as the case may be, shall be carried there by said committee appointed by the court, and shall be paid for said services as committees are now paid in similar cases.

§ 3. If any committee fails to convey or have conveyed any pauper lunatic to the asylum, after having received notice from the superintendent that said lunatic can be received, the pay of said committee shall cease after having received said notice.

§ 4. Where no person will consent to be appointed a committee to a lunatic, the said lunatic shall be delivered to the jailer of the county, and he shall perform the duties assigned herein to a committee, receive the same pay, and shall be paid as committees are paid herein.

§ 5. This act shall take effect from and after its passage.

Act March 28, 1872, page 78, 79.

### Roads and Passways.

When a road is opened the damages and costs are paid out of county levy. But in case the County Court refuse to open it, then the applicant has to pay the costs thereof.

All males over sixteen and under fifty years of age, ministers of the gospel, etc., excepted, are required to work the road, and for failure or refusal to attend and labor—work road—when warned, he is subject to a fine of \$2.50.

Act June 3, 1865, page 139.

### CHAPTER 1441.

**Power given County Courts to Remove Surveyor.**  
Acts adjourned session (January, 1871,) of 1869-70, pages 46, 47.  
**AN ACT** to amend section 21, chapter 84, entitled "Roads and Passways," Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the County Court to remove, without notice, and appoint another surveyor of any public road in the county, before the expiration of two years from his appointment, if the court believes that, from incapacity, sickness, temporary absence from the district, insolvency, or other good reason, that the public interest requires the removal of such surveyor.

§ 2. The County Court shall not be compelled to receive the resignation of any surveyor of a public road at the end of two years from his appointment, unless the court is satisfied that the road over which he has been surveyor is in good repair; nor shall the court be required to receive such resignation until the surveyor puts his precinct of road in good repair.

Approved March 8, 1871.

When the surveyor of a public road shall fail to perform his duty, he shall be fined not less than five dollars nor more than fifteen dollars, at the discretion of the court.

Act February 17, 1866.

## CHAPTER 895.

### Acts Regular Session, 1871-2, page 81.

AN ACT to amend chapter 84, article 1, "Public Roads," of the Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That where an application is made to open a road for the convenience of traveling, to an established town, and the applicants are willing to pay the proprietors a fair compensation for the land to be condemned, and the cost of opening and cost of procedure, it shall be deemed to be *prima facie* evidence of the necessity of the proposed road for the convenience of travel that it lies in the right line extended of a street of a city: *Provided*, That this rule shall apply only to an extension of not exceeding two miles beyond the limits of a city that, by the last preceding Federal census, had over fifty thousand inhabitants; and to an extension of not exceeding one mile where the city had less than that number.

§ 2. At the option of the applicants a road made under the above section may be made of the full width of the street of which it is an extension.

§ 3. Nothing in this act contained shall prevent a county court from opening a road along the extension of a city street at the expense of the county levy, in whole or in part, in any case where it would have done so but for the enactment thereof, under the provisions of chapter 84, article 1, of the Revised Statutes.

§ 4. This act shall be in force from and after its passage.

Approved March 28, 1872.

**Viewers of Roads.**

Each viewer of a road shall be paid by the applicant 50 cents.

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**Assessors of Tax.****DUTIES REQUIRED TO BE PERFORMED BY ASSESSORS OF TAX  
WITHIN THE COMMONWEALTH OF KENTUCKY, AND THE COMPEN-  
SATION ALLOWED BY LAW FOR SAME.**

§ 1. That from and after the present year, it shall be the duty of the several Assessors of Tax within this Commonwealth to return on the back of their books, respectively, the names of each of the deaf and dumb children between the ages of seven and twenty-one years, inclusive, in their said several counties, together with the name of the post-office nearest the place of residence of such mute.

Act February 17, 1851.

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Assessors to list the number of hogs over six months old, said lists of hogs shall be reported by said Commissioners.

Act March 8, 1851.

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Assessors to return on the back of their books, respectively, the names and ages of all blind children under twenty-one years of age, in their respective counties, together with the names of the post-office nearest to the residence of each.

Act January 9, 1852.

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Assessors to report names of deaf, dumb and blind, with their nearest post-office, to be written after their names. (See acts 1863-4, page 3.) All laws regulating

the return of the mutes and the blind, inconsistent with act approved December 19, 1863, repealed.

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Assessors to report agricultural and other products, for which services they shall receive two cents for each list so taken.

Act February 9, 1858.

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Assessors to return list of sheep killed by dogs.

Acts 1863-4, page 17.

#### Statistical Agricultural Information.

The Assessors of Tax shall report the pounds of tobacco and hemp, the tons of hay, the bushels of corn, wheat, and barley, and the tons of pig metal, blooms, and bar iron raised or manufactured during the preceding year; for which services they shall receive two cents for each list so taken.

Acts 1857-8, vol. 1, page 35.

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First name of tax-payer to be reported.

Act March 11, 1867.

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#### An Act to Increase the Fees of Assessors.

Assessors to receive fifteen cents for each taxable list of property, instead of old rate.

Act March 9, 1868.

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#### Who Tithable.

All male persons over twenty-one years of age, shall be tithable and chargeable for levies imposed for county purposes.

**Assessor to Demand List of Tithables.**

A written list of such persons as are titheable, in his family, to include what he owned on the 10th day of January, preceding. List to be given on oath.

The Assessor of Taxes and his assistants are authorized to administer the oaths required to be taken by persons listing their estate with them for taxation.

Assessor to report list of all delinquents to the county court, and also to make, from the best evidence he can obtain, a true list of all tithables owned by such delinquents, and report the same to the court.

Delinquent list verified by oath. Failure from sickness or absence, to render to the Assessor, a list of his tithables at the proper time, may return said list at any time to the county court before judgment against him for such failure, and by the payment of all costs, be exempted from the fine imposed. The Assessor shall not return any person delinquent under chapter 26, until he has called at the residence of the party, or made to him a personal application for his list.

Assessor to give in his own list to clerk.

See chapter 26, article 1, sections 1, 2, 3, 4, and 5, Revised Statutes, vol. 1, pages 295-6.

**The Enrolled Militia—Fees of Assessor of Tax.**

That, for the services required by an act to organize and discipline the militia of Kentucky, the Assessor and County Court Clerk be allowed each the sum of one cent for

each name returned by the Assessor and enrolled by the Clerk.

Acts 1859-60, page 143.

(See chapter 1455, an act to organize and discipline the Militia of Kentucky).

All acts and parts of acts requiring the payment of a militia tax repealed.

Acts 1867, page 68.

#### WHEN TO COMMENCE DUTIES OF OFFICE—

The Assessor of Tax may commence the duties of his office on the tenth day of January in each year, and shall complete his list and return his tax book to the clerk of the county by the first day of May in each year.

See chapter 83, R. S., vol 2, article 6, section 4.

Assessor to value the estate taxed.

To return the names of tavern-keepers, owners of stud horses, jacks, etc.

Estate valued in gold and silver as of 10th of January.

#### Compensation to Assessors of Tax.

That the county court shall certify to the Auditor of the State the amount due to the Assessor for his services under section 7, article 6, of chapter 83, R. S., vol. 2, after he shall have completed his tax book and returned the same. The amount allowed shall not exceed fifteen cents for each list of taxable estate, and the same shall be paid by the Treasurer of the State, upon the warrant of the Auditor.

The Assessor shall call upon all merchants and grocers within his county or district, for their list of taxable property, between the tenth day of April and the first of May in each year.

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In listing under equalization law, indebtedness is to be deducted. Said indebtedness is to be bona fide such.

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Assessors to list dogs, take an account of the number of dogs over six months of age owned or possessed by each person, or kept about any one house. That there shall be a tax of one dollar levied on each dog.

Acts 1865, page 16.

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Income of U. S. bonds to be listed with Assessor. Tax thereon 5 per cent. on gross amount.

Acts 1867, page 83.

#### Negro Paupers.

That the capitation and other taxes collected from negroes and mulattoes shall be set apart and constitute a separate fund for the support of their paupers and the education of their children.

#### Tax of \$2.00 on Each Negro.

In addition to the capitation tax already levied by the laws of this Commonwealth, a tax of two dollars shall be levied on every male negro and mulatto over the age of eighteen years, which shall be assessed and collected as other taxes and go into the fund aforesaid.

The Commissioner of taxes in each county shall keep a separate column in his book for the enlistment of taxable

property of negroes and mulattoes, and in which the names of all the male negroes and mulattoes over the age of eighteen years shall be kept.

Acts January adjourned session, 1867, pages 94, 95, 96.

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### Board of Supervisors of Tax.

Duty of the Judges of the several county courts of this State to appoint three discreet tax-payers, citizens of the county, as a Board of Supervisors, who, or any two of them, shall, after being sworn, proceed to discharge the duties required. Said Commissioners are allowed two dollars per day each, for every day they may be necessarily employed, to be paid out of the public treasury.

Acts 1857-8, vol. 1, pages 57-8.

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The Commissioners constituting the Board of Supervisors of tax, shall hold their offices as such for one year, and no longer; but may be re-appointed at the expiration of their term of office.

Act February 28, 1863.

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### Sheriffs.

A Sheriff is elected for a term of two years, and holds his office until his successor is qualified—may be elected for a second term, but is not eligible for a third term. Must take oath and execute bond before acting.

The Sheriff shall keep an office at or near the court house of his county, and shall by himself or deputy, attend at said office every day, from first of June to first of October, to receive taxes.

That it shall be the duty of the Sheriffs in the various coun'ties of this Commonwealth, by themselves or legally authorized deputies, to attend on and keep order in the circuit, county, and quarterly courts of this State; and at the court of claims in each county, said Sheriffs shall be allowed a reasonable compensation for such service, to be paid out of the Treasury of the State, not, however, to exceed in any one year the sum of forty dollars, to be certified and paid as other claims are now paid out of the Treasury.

Acts 1863-4, page 88.

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Where a jury shall be summoned from a different county than that in which the action is pending, the judge of said court shall make a reasonable allowance to the Sheriff, to be certified to the Auditor by the clerk of said court.

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Must settle his accounts for the county levy when notified by Commissioners, and Commissioners to file said report of settlement with County Judge at least five days before Court of Claims.

Act February 9, 1854.

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Sheriff to collect county levy in the same manner as the public revenue.

Act February 9, 1864.

#### Sheriff of Election.

The Sheriffs of elections are allowed mileage, at the rate of eight cents per mile, going and coming, in conveying poll-books to the county seat, to have same compared by Board of Examiners.

Act March 3, 1860.

Sheriffs allowed twenty-five cents for reporting tax lists omitted by Assessor, allowed by county court and certified to the Auditor.

Act March 10, 1854.

Where a Sheriff attends a jury, under a writ of *ad quod  
damnum*, for his services, his fee shall be four dollars.

Act February 15, 1868, page 65.

For summoning a jury out of his county, a reasonable allowance to be made to Sheriff by the court, to be certified to Auditor for payment.

Act February 28, 1860, page 65.

#### Guards, Public.

See Revised Statutes, vol. 1, pages 582-3.

If two or more criminals shall be convicted at the same term of any court, they shall all be conducted to the penitentiary by the same officer and guard, and the officer and guard shall be allowed compensation for such service for one trip only.

§ 1. That chapter 44 of the Revised Statutes be amended as follows: That persons summoned as guards for the safe-keeping of prisoners confined in jail, or to assist an officer conducting a convict to the penitentiary, or conveying a prisoner or person from one county to another, shall be allowed one dollar and fifty cents per day, other items to remain as now allowed, and all to be paid out of the treasury of the State, unless ordered to be paid by the county under the provisions of section one, having first been established and allowed according to the provisions of section five of said chapter.

Acts 1865, page 23.

Officers and guards to be allowed their ferriages and tolls paid, and to pay their own expenses. The officer shall be allowed all reasonable expenses for putting in irons, dieting, lodging, horse hire, ferriages, and tolls paid for the prisoner. All such claims shall be verified by the oath of the officer, if living, or other witness if the officer be dead or out of the State, and approved by the Circuit Court, before they shall be paid by the Treasury. If the Auditor shall be of opinion the amount allowed by the Circuit Court is too great, he may, upon evidence of witnesses sworn by himself, reduce the same.

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When the convict or prisoner has been conveyed by stage, steamboat, railroad, or by any other like conveyance, the officer shall be allowed the actual expenses paid for such prisoner, inclusive of his own allowance as above.

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No allowance shall be made by any court to an officer for the fees paid to the guards, or expenses incurred for the prisoner, unless the officer shall verify, upon oath, the true amount paid by him. All allowances to officers and guards, under this article, shall be certified by the clerk of the court of that county in which the prisoner was tried, that the same has been sworn to, proven, and allowed by the court.

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#### Extracts from the Auditor's Circular for 1858.

§ 7. A Sheriff shall deposit, at any time before the fifteenth day of January, if authorized and required to do so in writing by the Auditor of State, the whole or any part of the revenue collected by him, in any bank within the State of Kentucky, and within one hundred miles of

the residence of the Sheriff, to be named by the Auditor, to the credit of the Treasury, taking three receipts of the cashier of said bank, stating the amount deposited, and when and by whom. One of these shall be forwarded to the Treasurer and one to the Auditor of State. The amount thereof shall be credited to the Sheriff in his settlement with the Auditor.

§ 8. The Sheriff shall pay over to the Trustee of the Jury Fund, out of any public money in his hands, the amount he may be required to pay by the order of the circuit court of his county, to meet any deficiency in said fund. He shall take duplicate receipts for the same, one of which he shall forthwith transmit to the Auditor, and, upon the settlement of his accounts at the Treasury, shall be credited with the amount so paid.

§ 9. Sheriffs shall be allowed by the Auditor the following commission upon the sums collected and accounted for or paid into the Treasury in each year:

Upon the first thousand dollars, eight per cent.; on the second thousand, six per cent.; on the third thousand, five per cent.; on the fourth thousand, four per cent.; and all above four thousand, three per cent.

§ 10. The Sheriff, before he makes distress for taxes, shall tender the person from whom the tax is due, if resident in the county, a receipt, in which he shall specify the taxable estate with which such person is charged, the value and amount thereof, and the tax due. If he shall distrain before the tender of such list and receipt, he shall forfeit and pay to the person aggrieved double the amount of such tax, and such damages as he may sustain, to be recovered by suit in his own name.

§ 11. The Sheriff shall, after having advertised at the court house the time and place of sale for at least ten

days, sell at public auction, for money, so much of the estate distrained for taxes as will pay the tax and costs. If the Sheriff make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

The Sheriff shall be entitled to twenty-five cents for each list of taxable property that may be reported by him on or before the court of claims in any year, and which the Assessor fails to report for taxation that year; and, upon the Sheriff's report thereof being approved by the county court, and certified to the Auditor, he shall draw his warrant on the Treasurer in favor of the Sheriff for the amount of the allowance hereby made him.

Acts 1853-4, page 482.

Officers in summoning guards to convey a prisoner to the penitentiary, or from one county to another, should not embrace the per diem and mileage of such guards in their account; but let each guard make out his own account for the services rendered, and have it allowed in his own name, being particular in giving the date of each service claimed for. These claims must not only be sworn to by the claimant, but must be proven by the officer under whose direction they are acting.

The fee allowed sheriffs for attending on and keeping order in the circuit, county, and quarterly courts, must not be included in their general account, as the county court, at its court of claims each year, is alone authorized to make the allowance, and the order of that court is all that is wanting for a sheriff to draw the amount allowed. On opposite page will be found a form for such order.

## STATE OF KENTUCKY.

PERRY COUNTY COURT, *Sct.*,  
COURT OF CLAIMS, October Term, 1868. }

Ordered, that James Turner, Sheriff of Perry county, be allowed the sum of forty dollars for attending on and keeping order in the circuit, county, and quarterly courts of this county for the past year, and that it be certified to the Auditor for payment.

A copy—Attest: JESSE COMBS, *C. P. C. C.*

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Taxes may be Paid in Legal Tender Notes, and other National Currency.

That the Sheriffs and other collecting officers of this Commonwealth be, and they are hereby, authorized to receive in payment of taxes and other public dues the currency known as United States legal tender notes, and the notes of the various National Banks established by the authority of the United States: *Provided*, That the notes of said banks when received are current and at par with legal tender notes; and it shall be the duty of the Treasurer to receive into the public treasury said currency, and pay the same out in discharge of all claims upon the Commonwealth.

Acts adjourned session, January, 1867, page 118.

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All Sheriffs, Tax Collectors, Town Marshals, or their Administrators, given further time to collect fee bills.

§ 2. That all present and former Sheriffs, Tax Collectors, and Town Marshals, and the personal representatives of such as may be dead, shall have the like further time to collect, levy, and distrain for any taxes due them, and

which such officer shall have paid over or accounted for; but such officers and their sureties shall be liable for any injury sustained by the tax-payer by reason of any illegal seizure or proceeding under this act.

Acts adjourned session (January, 1871,) of 1869-70, page 82.

## CHAPTER 1132.

**Acts Adjourned Session (January, 1871,) of 1869-70,**  
page 6.

AN ACT in relation to the Fees of Sheriffs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the fees allowed Sheriffs shall be the same as allowed by the provisions of an act, entitled "An act to fix the fees of Sheriffs," approved February 4th, 1865.

§ 2. This act shall take effect and be in force from and after the twenty-fifth day of January, 1871.

### Elections.

For attending an election, one dollar. For comparing the returns of two or more counties, in the election of a Senator or Representative, two dollars, and one dollar and fifty cents for each twenty-five miles of travel in going and returning.

See Stan. R. S., 1st vol., page 448.

For all money paid to a Sheriff for licenses on stallions, jacks, bulls, etc., he is entitled to three per cent. commission.

See Stan. R. S., vol. 2, page 260.

### Capital Punishment.

For the execution of the sentence of a court inflicting capital punishment, six dollars.

For summoning and attending a jury in a case of felony, 50 cents. For apprehending a person on a charge of felony, or a fugitive from justice, two dollars.

For executing process for contempt of court in a *criminal* case, when the court excuseth the contempt, 62½ cents.

Moorehead & Brown, 372.

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When Sheriff or other person has performed the duties of Jailer, the same fees and allowance to be paid that Jailer receives.

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## CHAPTER 1046.

**Acts Regular Session, 1869-70, page 143, 144.**

AN ACT regarding Sheriffs in the Commonwealth of Kentucky.  
*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the Sheriffs in the Commonwealth of Kentucky to keep in their respective offices a well bound cash-book, in which they shall enter all taxes received by them, showing by whom paid, and the date and amount thereof; also a well-bound book, upon the margin of which shall be noted in brief the substance of all receipts given for taxes. Said books shall be kept in their offices and form part of the public records of the Commonwealth of Kentucky, and shall be handed over by each Sheriff to his successor in office.

§ 2. Each sheriff or his deputy shall sign his name on the receipt, to be kept on file in his office, at the time such money is received by him, and also to have each page in said tax-book numbered.

§ 3. This act to take effect from and after its passage.

Approved March 21, 1872.

## CHAPTER 1901.

## When to Pay Taxes to the Auditor.

Acts adjourned session (January, 1871,) of 1869-70, page 91.

AN ACT to change the time for the payment of the Revenue into the State Treasury, and to amend the Revenue Laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Sheriff or Collector of the State revenue in each county of this Commonwealth shall, on the first day of October, and every sixty days thereafter, under oath, report to the Auditor of Public Accounts the amount of taxes he has collected, and pay the same over immediately; and shall account for and pay all taxes for which he is bound into the State Treasury by the first day of April, 1872, and by the first day of April in each year thereafter; and upon his failure to do so, he and his sureties shall be liable therefor, and shall be proceeded against in the same manner as now prescribed by law.

§ 2. That hereafter a quietus by the Auditor for the revenue tax of the preceding year shall be produced by the sheriff to the county court at the April or May term, instead of the time now prescribed by law.

§ 3. Any person or persons failing to pay their taxes by the first day of April in the year following the assessment for such taxes, shall pay five (5) per cent. additional on the tax so due and unpaid.

§ 4. The Auditor, in his settlement with the Sheriff, shall charge him the per cent. accruing under the provisions of this act.

§ 5. So much of all laws as conflict with the provisions of the foregoing act are hereby repealed.

§ 6. This act to take effect from and after its passage.

Approved March 22, 1871.

**AN ACT to provide for Voting by Ballot in the Election of Representatives in Congress.**

Sheriff to provide for precincts and voting places a ballot box, at the expense of the county.

Acts regular session, 1871-2, pages 75 to 78.

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**CHAPTER 934.****Revenue and Taxation.**

Acts regular session, 1871-2, pages 84 to 86.

**AN ACT to amend chapter 83 of the Revised Statutes, title "Revenue and Taxation."**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section thirteen of article six, chapter eighty-three, of the Revised Statutes, be so amended as to read: The Assessor, or his assistant, shall administer to every person listing property the following oath before proceeding to list the property: "You do swear that the list of taxable estate about to be given in by you will contain a full and complete list, and the best description of the same you can give of all and every species of property belonging to you or in your possession, subject to taxation on the 10th of January last; and that no removal of property or omission has been made, or any method or device adopted or practiced whereby to evade the payment of taxes by you; and that you will true and perfect answers make to such questions as may be asked you concerning your taxable estate, or that of others in your possession, or about to be listed by you for them;" if, in the opinion of the assessor or his assistant, there shall be an error in the list of any person's estate listed with him, it shall be his duty to note the same on the tax-book, so as to call the attention of the Board of Supervisors thereto.

§ 2. That the Assessors and their assistants shall, upon

the return of their tax-books, take an oath before the Judge of the county court that they had first administered, to every person whose list they had taken, the oath prescribed by the first section of this act, except when impracticable to do so, and that with such lists they have returned a note giving the reasons why they failed to administer the oath; which oath shall be certified to the Auditor by the county court Clerk. That until such certificate is filed with the Auditor, the Assessor shall not receive any part of his compensation.

§ 3. That section twelve of article nine of said chapter be so amended as to read: If there be no personal property which the Sheriff or Tax Collector can distrain for taxes due, and the person owing the same shall fail to pay said tax by the first day of November, the Sheriff or Tax Collector may levy on any real estate belonging to such delinquent tax payer, and sell so much thereof for cash in hand as will pay the taxes due and his in the commission, same manner as lands are sold under execution, except the land need not be valued. The owner of such real estate, his representatives, heirs, or assigns, shall have the right to redceme the ~~same~~ from the purchaser thereof by paying the purchase money, with interest at the rate of ten per cent per annum, and twenty per cent. damages, at any time within two years from the day of sale. Any minor, married woman, or other person laboring under disability, shall have two years after the removal of the disability in which to make such redemption: *Provided*, That the committee or next friend of a person who is *non compus mentis* shall be allowed only five years from the day of sale, or two years after notice, in writing, by the purchaser, to redeem the same, though such disability shall continue longer. The notice aforesaid shall be returned by the officer executing it to the Clerk of the county court,

who shall record the same, with the return thereof, in a book to be provided and kept by him, and paid for out of the treasury. The Clerk shall be allowed a fee of twenty-five cents for recording the notice and return. Office copies of said record shall be evidence that the notice was given as authorized by this act. Any person whose land may be sold by virtue of this act may redeem the same within the time herein prescribed by tendering the purchase money, with interest and the damages, to the purchaser or his agent; or if he or his agent refuse to accept the same, or reside out of the county, or is absent therefrom, he may pay the amount to the Clerk of the county court, and take his receipt for the same, which shall be a valid payment. It shall be the duty of the Sheriff to give the purchaser a certificate of purchase, giving a description of the land purchased, quantity sold, and price for which it sold. The Sheriff shall return a report in writing to the county court Clerk's office, signed by him, within twenty days after such sale, showing when the sale was made, and to whom, and for what price, and giving a description of the land sold as fully as he is able to do, which report shall be recorded by the county court Clerk in a book to be provided by him for that purpose; and if the land shall be redeemed, as provided for by this act, the purchaser shall enter in the margin of said book, opposite the report, a release and satisfaction of his claim, or if the redemption money shall be paid to the Clerk, he shall enter said release; and the Clerk, for all his services, shall be paid twenty-five cents by the purchaser.

§ 4. That it shall be the duty of the Sheriff to report to the county court Clerks any and all lists of property omitted by the Assessor, who shall enter the same on the Assessor's books for his county, and certify the same to the Auditor on or before the 15th of December, in each

year; and the said Sheriff shall have as compensation for said assessment, in addition to the fees now allowed by law, twenty-five per cent. on the taxes realized on said assessment.

§ 5. That it shall be unlawful for any Sheriff to receive taxes on property listed as provided for by the foregoing section, until the same has been entered upon the Assessor's books, as provided in same section, and certified to the Sheriff by said Clerk; and for all violations of this section by the Sheriff or Collector, they shall be fined not less than twenty-five dollars nor more than one hundred dollars, to be recovered by an indictment by the grand jury.

§ 6. That this act shall take effect from its passage, except so much thereof as relates to Assessors, which shall not take effect until the first of June next.

Approved March 28, 1872.

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Sheriff, etc., liable in damages for false return of process, etc.

Acts 1871-2, page 37.

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## CHAPTER 113.

### Guards, Public—Sheriff's Guards.

Acts regular session, 1871 2, page 10.

AN ACT to authorize the Auditor of Public Accounts to audit and settle claims of Sheriffs of this Commonwealth for conveying convicts to the Penitentiary of this State.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter it shall be lawful for the Auditor of Public Accounts upon the production of the receipt of the Keeper of the Penitentiary for the delivery of prisoners, or convicts, to audit and settle the account of the

Sheriff, guards, or officer for conveying said convict or convicts, and if found to be correct, said Auditor shall draw his warrant upon the Treasurer for the amount of such claim.

§ 2. All acts and parts of acts coming in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved January 25, 1872.

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### CHAPTER 259.

#### Pauper Lunatics—Additional Compensation for Conveying Lunatics.

Acts regular session, 1871-2, page 22.

AN ACT to amend an act, entitled "An act for the benefit of the Eastern and Western Lunatic Asylums," approved February 18, 1864.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the same compensation shall be allowed for one person, in addition to the person appointed, to convey a pauper lunatic to said Asylums, as is now allowed the person so appointed: *Provided*, The court having jurisdiction of the case shall deem an additional guard necessary, and shall so order.

§ 2. This act to take effect from its passage.

Approved February 10, 1872.

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### Jailer.

Jailers are elected for a term of four years.

Must execute bond with sureties, to be approved by the county court.

The Jailer of each county, shall, by virtue of his office, be superintendent of the public square, court house, clerks' offices, jail, stray pen, and other public county buildings at the seat of justice.

§ 1. That hereafter the fees of the jailers of this Commonwealth shall be as follows, and be paid as now provided by law: The putting of a prisoner in jail, and releasing him, seventy-five cents; for dieting each prisoner per day, seventy-five cents; for attending circuit court per day, two dollars; for attending county and quarterly courts, to be paid out of the county levy, two dollars per day; for furnishing fuel, lights, etc., to circuit and county courts, a reasonable compensation, to be allowed by the respective courts, the former to be paid out of the State Treasury, and the latter out of the county levy; for putting each prisoner in irons, beside the cost of the irons, fifty cents; for all other services performed by him, the same fees as sheriffs.

This act shall take effect from and after its passage.

Approved March 4, 1870.

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**Acts Regular Session, 1869-70, pages 29-30.**

When a prisoner is confined under *civil* process, the fees are to be paid by the plaintiff, and taxed as costs against the defendant, and where he is confined under more than one claim, only one charge to be made, and equally divided among the plaintiffs.

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**Jail Guards.**

**CHAPTER 1860.**

*Acts Adjourned Session, 1867, page 86.*

**AN ACT** to amend the law in relation to the Selection and Payment of Jail Guards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all laws heretofore enacted directing Jail Guards to be paid out of the State Treasury, and their appointment to be made by the Circuit Judge, be, and the same is hereby, repealed.

§ 2. That hereafter when, in the opinion of the County Judge of any county wherein a prisoner may be confined, charged with felony, the safe keeping of the prisoner so charged requires that a guard shall be kept over him, said County Judge shall make the order of record to that effect, and direct the number of guards to be summoned, by whom to be summoned, and under whose control same shall be placed.

§ 3. That each guard so summoned and performing duty, shall be allowed the sum of one dollar and fifty cents per day, which shall be paid out of the county levy wherein the duty is performed.

§ 4. This act to be in force from its passage.

Approved March 9, 1867.

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### Coroners and Elisors.

Coroners are elected for a term of four years.

Must take oath and execute bond, with good security, to be approved by the county court.

Duty of Coroner of any county, upon request being made, to go and inquire, and upon the view of any person slain, drowned, or otherwise, by misadventure, or suddenly killed, or where any house be broken, to hold an inquest of six good and lawful housekeepers of the county, summoned by himself, upon their oaths to enquire, and say in this manner: If they know in what manner the person came to his death; where, how, and by whom, and who were present; who are culpable of the act, or of the force; are they persons of discretion, or can they speak?

Coroner will administer to the jury, oath, also administer oath to witnesses; and should commit to writing the substance of the inquisition.

When a person is found culpable of murder, manslaughter, or house-breaking, or of being accessory thereto, he shall arrest and commit such person to jail of said county, or cause it to be done by his precept, there to be confined and dealt with according to law, and if the person shall have fled, the Coroner may summon aid, and pursue and apprehend him wherever he may be found in the State, and commit him to jail.

Stan. R. S., vol. 2, page 350.

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The Coroner shall recognize the witnesses to appear on the first day of the term of the Circuit Court thereafter; and he should also return to the Clerk's office, of the Circuit Court, the whole of the finding of the jury and the testimony by him committed to writing.

Duty of Coroner to bury the dead body over which inquests are held, or present them to their friends to do so if required.

May employ physician or surgeon to examine corpse, and a reasonable fee will be allowed to surgeon or physician, to be allowed by county court, and paid out of county levy: *Provided*, That the cities of Louisville and Covington pay the expenses of inquests within their limits.

Act March 2, 1860, page 106.

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Coroner in any county, in which there is no Sheriff, is authorized to take bail as Sheriffs are now authorized by law to do; and he and his sureties shall be responsible on his official bond, for his faithful discharge of his duties.

Acts 1869-70, page 34.

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For taking inquisition upon a dead body, a fee of six dollars, and all reasonable charges for burial expenses,

upon the Coroner making out his written account and specifying each item.

Act March 3, 1856, page 46.

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The fee and charges to be paid out of the estate of the decedent if sufficient, and if not, then by the County Court, out of the county levy.

Stan. R. S., vol. 1, pages 523-4.

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**ELISORS—**

Allowed three dollars per day, to be allowed by the court, and paid by the Treasurer.

Act February 16, 1860.

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When Coroner or Elisor performs duties of Sheriff, they are entitled to same fees to which Sheriffs are entitled.

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**Justices of the Peace.**

County courts authorized to change the districts for the election of Justices of the Peace and Constables, election precincts and places of voting, in the month of January or February next preceding the regular time of electing Justices of the Peace, on the petition of a majority of the voters of each district or precinct to be affected by the change. For all the directions as to how the change shall be made see Stan. Rev. Stat., vol. 1, page 431.

Justices of the Peace are elected by the people for four years and until their successors in office are qualified. Election to be held on the first Saturday in May.

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Justices of the Peace have jurisdiction with quarterly courts, where the sum, exclusive of interest and costs does not exceed fifty dollars.

Act Jan. 21, 1860.

May summon a jury and hold inquest, in the absence of the Coroner.

Stan. Rev. Stat. 338.

Each Justice shall hold a court (for the trial of civil causes) in his district, on a day to be fixed by the presiding Judge of the county court, in the months designated by law, and shall continue his court from day to day until he disposes of all the business returned before him.

Every Justice's court is a court of record, and each Justice shall, in a book provided by him for that purpose, keep a full and fair record of his judicial proceedings. He must make and keep, with such book, a good index of the names of litigants, referring to the page in the book of every entry in each cause.

All warrants and motions shall be docketed and tried, or continued, by Justices, in the succession in which the warrants or notices of the motions are returned before him for trial.

No warrant or notice shall stand for trial unless it has been executed five days before the day set for the trial thereof.

A party to a suit pending before a Justice shall have a change of venue to another justice when he shall make oath that he believes he can not have a fair trial in the Justice's court before whom the cause is pending, and the cause may be tried out of term time, by the Justice to whose court it is removed.

If the Justice before whom a cause is returned for trial, does not attend, or can not try the cause, any other Justice of the same county may attend, and try and decide the cause.

Stanton R. S., vol. 1, pages 335, 336.

Justices of the Peace have jurisdiction to try persons for riots, breaches of the peace and disorderly conduct, may have a jury impanelled where a jury is allowed by law. Power to grant a new trial or rehearing by a Justice of the peace expires after ten days from date of the verdict or judgment.

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A Justice must not sign his name to a blank warrant.

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Justices may hold a court at any time for the trial of criminal or penal causes of which they have jurisdiction.

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Justices have power to appoint special agents to execute orders of arrest, attachment and other provisional remedies. The appointment shall be made by an endorsement on the writ or order which the agent is authorized to execute or serve, which endorsement shall be signed by the Justice.

Act Feb. 17, 185 .

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Two Justices of the Peace have jurisdiction to examine into all infractions of the penal and criminal laws, the final trial of which is cognizable in the circuit court, and when proper to send the accused on to further trial, to commit him to jail, or to allow and take bail.

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No Justice of the Peace or Police Judge shall, for any contempt offered to him, have power to inflict a fine exceeding three dollars, nor an imprisonment exceeding six hours. But witnesses, jurors and officers of court, for a contempt in disobeying the summons of court, etc., may be fined in a sum not exceeding thirty dollars, and imprisoned one

day, without the intervention of a jury. Return day of an execution to be not under thirty nor over seventy days from day of issuing same; not to issue until after expiration of ten days from the rendition thereof.

Each court to appoint a monthly return day.

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Justices of the Peace, City and Town Marshals, shall report on the first day of each circuit court, a list of all fines imposed or collected by them since their last report.

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Justices of the Peace not allowed to tax an attorney's fee.

Act January 21, 1856, page 7.

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When a Justice of the Peace is appointed, the county court shall make an order directing what books of his predecessor shall be placed in his hands.

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Justices of the Peace are entitled to two dollars per day for every day they may attend and assist in laying the county levy; also the same fees for every day they may attend the county court under a summons of the presiding Judge.

Act March 2, 1860, page 110.

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#### Justices of the Peace in the City of Louisville and in Jefferson County.

Justices of the Peace in the city of Louisville have jurisdiction for the recovery of money or personal property where the amount in controversy does not exceed one hundred dollars, and they also have concurrent jurisdic-

tion of all cases of surety of the peace. Writs of forcible entry and detainer issued by Justices of Louisville city, may be directed to and executed by the Sheriff or any Constable of Jefferson county, and any of said Constables may perform all the duties now required by law of Sheriffs in such actions; and in such cases the fee of the Sheriff or Constable shall be, for summoning a jury, attending the trial and executing the judgment of the Court, one dollar and fifty cents, and a jury of six, unless objected to by one of the parties, shall be sufficient to try an action of forcible entry and detainer within said city.

Act February 9, 1865, page 34.

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By a subsequent law, Sheriffs and Constables are allowed, in addition to the above, two dollars for executing a writ of possession.

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In Jefferson county Justices of the Peace shall collect and account for a tax of 50 cents on each action over fifty dollars.

Act March 10, 1856, page 123.

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That when the defendant to a suit before a Justice of the Peace in Jefferson county, if he resides in the county of Jefferson, the summons shall be returned for trial in the district of his residence, unless the justices in such district are interested in the result of the suit, or refuse to act, in which case the summons shall be returned in an adjoining district, with the facts endorsed thereon.

Act February 16, 1858.

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Justices of the Peace of Jefferson county, who have issued a warrant in any action where the matter in contro-

versy exceeds the sum of fifty dollars, must report on oath to the Jefferson county court semi-annually on the first Monday in July and January of each year, the number of such warrants by him issued, and the amount of the tax on said actions; and to pay the amount to the Clerk of the Jefferson county court and take his receipt therefor.

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The county clerk of Jefferson county to examine the dockets of the Justices of the Peace, within the city of Louisville, and report to the court the number of actions brought before each Justice, and all fines and forfeitures which the Commonwealth is entitled to, which have been collected in said Justice's court. The Clerk of said Court shall semi-annually, in the months of July and October, report to the Auditor the amount paid into court by said Justices, or collected from them, and pay the same to the Treasurer, and said Clerk shall, for the services aforesaid required of him, be allowed a compensation of eight per cent. on the amount paid to the Treasurer under the provisions above set forth.

Justices of the Peace within the city of Louisville, shall have concurrent jurisdiction with the city court of Louisville of all causes of surety of the peace within said city.

Wrts of forcible entry or detainer issued by Justices of the Peace within the city of Louisville, may be directed to and executed by the Sheriff, or any Constable of Jefferson county, and any of said Constables may perform all the duties now required by law of Sheriffs in such actions; and in such cases the fee of the Sheriff or Constable shall be, for summoning a jury, attending the trial, and executing the judgment of the court, one dollar and fifty cents; and a jury of six, unless objected to by one of the parties,

shall be sufficient to try an action of forcible entry or detainer within said city.

Acts 1865, pages 32, 33.

### Constables.

On the first Saturday in May, a Constable is elected in every Justice's district, for a term of two years from the first day of June after his election, and expires when his successor is elected and qualified. Must take oath and execute bond, with good security, to be approved by the county court; and said bond must be executed within sixty days after his election, otherwise his office will be vacated.

A Constable's jurisdiction is co-extensive with the county in which he may reside.

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Every warrant or attachment in a civil case, returnable before a Justice of the Peace, shall be returned in the Justice's district within which the defendant resides, unless there are several defendants, then in the district of one of them, unless by the consent of parties, said consent indorsed on the summons and signed by the parties.

In cases where process is issued by the presiding Judge of the quarterly court, and the defendant resides in the county, it must be returned for trial before a Justice of the Peace of the district of his residence.

Stant. Civil Code, page 287.

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A Constable can not levy or sell land, or any interest therein.

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A Constable shall account for officers' fee bills six months after he has received them.

Stant. Rev. Stat. 255.

A Constable not compelled to receive a precept, fee bill, or order for witness attendance, or other claim against any person known to be and to reside out of his district, except such precept is in behalf of the Commonwealth, or is a precept against property in his district.

But if a Constable shall voluntarily receive such precept, bill, order for witness' attendance, or other claim, he and his sureties shall be accountable for the same in like manner as if the person it is against resided or was in his district, or had property therein.

A Constable may distrain for his own fee bills, or may place them in another officer's hands for collection. He may distrain for other officers' fees placed in his hands for collection.

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It shall be the duty of a Constable to return every warrant or attachment and subpoena placed in his hands, on or before the return day thereof, under the penalty of five dollars.

No Constable shall buy or become interested by contract in any claim against another put into his hands for collection; and any such purchase or contract may be relied on by a defendant in bar of a suit on such claim, or as a ground for vacating a judgment or quashing an execution thereon.

No Constable shall return any precept directed to him, that the defendant is not found, unless he shall have been actually at his place of residence and has not found him, and has left a copy of the precept, if the defendant is a resident of the county, or unless such defendant's place of residence is unknown to such Constable.

Executions, fee bills, orders of witness attendance, and attachments, shall be levied and satisfied by Constables

according to priority of time in which they are placed in their hands; and they shall, in every case, indorse the time of reception.

Stan. Rev. Stat., vol. 1, pages 253 to 255.

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A motion may be made or suit brought against a Constable and his sureties for money collected by him on an execution or order of sale. Ten days previous notice specifying the grounds of said motion shall be given. In such cases the plaintiff may receive the amount collected by the officer and interest from the time of a demand, and ten per centum damages and costs.

Constables liable to the same penalties for not returning such execution to the Justice's office within twenty days after return day; and liable to same penalties, in like manner, for any fee bill or other claim placed in his hands for collection.

For an illegal charge he shall forfeit his fee, and for each offense shall be fined five dollars. In all cases a demand for the amount must be made to fix the liability of the officer.

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#### A Constable can not appoint a deputy.

Act December 2, 1851.

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May execute process issuing from quarterly courts, but can not levy on land.

Act February 27, 1856.

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Process returnable; court may, at the discretion of the plaintiff, be directed to the Sheriff or Coroner, or to a Constable.

## CHAPTER 694.

**Acts adjourned session, January, 1865.**

**AN ACT regulating the fees of Constables.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Constables shall be allowed to charge and receive the following fees, viz:

For serving a summons in any civil case, on each defendant, before a Justice of the Peace-----	\$ 50
For serving a peace or search warrant, for each defendant	1 00
For levying an attachment-----	50
And the reasonable value for removing and taking care of any attached goods, to be allowed by the court.	
For summoning a garnishee-----	50
For taking up a vagrant-----	50
For summoning a witness-----	20
For collecting money under execution or other legal process, taking a replevin or forthcoming bond, or for a stay of execution, the same compensation as may be allowed a Sheriff and one per cent more.	
For collecting fee bills, twelve per cent.	
For summoning and attending a jury-----	1 00
For serving a notice on each person notified-----	25
For all other services he shall be allowed the same fees as Sheriffs.	

§ 2. This act shall be in force from its passage.

Approved January 24, 1865.

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For killing and burying a distempered horse, jack, jennet, or mule, when ordered by a Justice of the Peace, three dollars; other cattle, two dollars for each head; and for killing a dog, one dollar; and if he fail or refuse to execute the order, he shall forfeit and pay an amount equal to the fees allowed in each case.

Stanton's Rev. Stat., 223.

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For apprehending a person on a charge of felony, or a fugitive from justice, two dollars.

For executing a summons upon a witness in behalf of the Commonwealth, in a case of felony, ten cents.

For conveying a prisoner under a charge of felony to the jail of the county in which he was apprehended, four cents per mile for each mile traveled in going to and returning.

For the fees in these last mentioned items, the Constable must make out his account, swear to same and then have it allowed in the circuit court, and the Clerk will copy and certify same to Auditor of public accounts for payment.

For services in attaching and selling non-resident's cattle found running at large, one dollar and fifty cents.

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#### Judges of Police or City Courts.

The fees allowed to Police Judges, are the same as Magistrates are entitled to. For Magistrate's fees see acts 1865, vol. 1, page 11. For Police Courts, see Myers' Code, page 229, chap. 4, also page 567.

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The Judge of the Police or City Court may, by orders entered on its minutes, fix terms for its sessions, to which process shall be returnable, but may hold the court at any time for the transaction of business brought before him.

When a person has been arrested and brought before the City Court or the judge thereof, charged with an offense, within the jurisdiction of such court, and not requiring an indictment, he shall be forthwith tried, or, at the discretion of the judge, held to bail for his future appearance for trial, or discharged from custody.

Upon information given by a peace officer, or by a private person, on oath, to the clerk of the court, that an

offense within the jurisdiction of such court, and not requiring an indictment for its prosecution, has been committed, the clerk shall issue a summons against the offender. He shall summon him to appear in the court, on a day to be named in the summons, to answer the charge made against him, of having committed an offense, naming or briefly describing it, and return the summons on a day to be named. It shall be signed by the clerk, and directed to the marshal of the town or city, but may be executed by any peace officer of the city or county.

Upon information on oath, made to the judge of the court, he may order a warrant of arrest to be issued, which shall be similar to the summons, except in the command to arrest the defendant, instead of to summon him.

All prosecutions in said courts shall stand for trial immediately, where the defendant is in custody, or on bail for the offense charged, or on the day to which the defendant has been summoned to appear, provided the summons was executed within the limits of the court's jurisdiction one day, or else where ten days before the day on which he is warned to appear. If not executed as above provided, the trial shall be postponed to a day to be fixed by the court.

The clerk shall issue subpoenas for witnesses at the request of the officers of the city, or of the defendant, and the court may compel their attendance in the manner and by the process prescribed in the Civil Code.

The court may, for good cause, grant continuances or postponements of the trial.

No written information or pleadings are required in prosecutions in which an indictment is necessary.

The issue of law and of fact shall be tried by the judge, except where the punishment of the offense is not

limited to a fine of sixteen dollars, or less, and the defendant demands a trial by jury, in which case the issues of fact shall be tried by a jury where the judge acts as the clerk of the court, the provisions of this title as to the clerk shall apply to him.

Mayor's courts, and courts held by chairmen of trustees of towns, are police courts in the meaning of the Code.

The law regulating the proceedings in the Louisville City Court, and prescribing the powers and duties of the officers of said court, shall not be changed by the provisions of this title, but remain in full force; and the provisions of this title shall only apply to said court, so far as they are consistent with the existing laws regulating said court.

Acts 1853-4, title 7, page 129-30.

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#### APPEALS—

Appeals from police courts to circuits may be taken in same manner as appeals from justices courts.

Act January 28, 1864.

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#### Town Marshals.

#### CHAPTER 825.

Acts adjourned session, January, 1865, page 23.

AN ACT to allow Town Marshals to charge the same fees and commissions allowed to constables.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That town Marshals within this Commonwealth, be allowed to charge the same fees and commissions that are allowed to constables for similar services.

§ 2. That this act shall take effect from its passage.

Approved February 4, 1865.

**Marshals of Agricultural Fairs.**

Marshals of agricultural fairs are entitled to same fees as constables, when like service is performed.

Act March 1, 1860, page 84.

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**Board of Examiners to Compare the Poll Books.**

The County Judge, Clerk County Court, and Sheriff, constitute said board, and are entitled to one dollar per day each.

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**Contested Elections.**

Board of Examiners of contested elections, entitled to two dollars per day.

Acts 1853-4, page 172.

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**Examining Courts.**

The Judges of the Police Courts and other examining courts, shall be allowed one dollar for taking down in writing, the testimony in each of the cases of felony presented to them for a preliminary examination.

Acts 1865-6, page 62.

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Mayors of cities and other officers empowered by law to hold examining courts, shall for their services in such cases, be allowed the same fees that are now by law allowed to Justices of the Peace for similar services, and that they be paid therefor in the same manner that Justices are paid.

Acts adjourned session, January, 1865, page 84.

Above act does not apply to the Judge of the City Court of Louisville—he is not entitled to any compensation out of the treasury, as an examining court.

§ 1. That hereafter it shall be the duty of examining courts, in cases where the charge is a felony, to give to the county attorney, if not present, reasonable notice in writing, of not more than one day, to attend and prosecute such charge, said notice to be served as other notices; and it is hereby made the duty of sheriffs, constables and town marshals to execute such notices when required by the officer or officers holding the examining courts.

§ 2. The same fees shall be allowed for executing said notice as for summoning witnesses, to be paid, as other fees in proceedings, by the Commonwealth.

Acts adjourned session, January, 1871, of 1869-70, pages 86-7.

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Justices of the Peace and all other officers who are authorized by law to examine for commitment for trial, persons charged with having committed a public offense, shall be allowed one dollar for each examination; and where the examination lasts more than one day, one dollar per day, each day during their attendance on such examination, to be paid out of the public treasury, in the same manner that constables' claims are now allowed and paid for apprehending persons charged with felony.

Acts 1857-8, page 85.

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#### Examiners.

Examiners are appointed by the Judges of the Circuit Courts; hold their offices for the term of four years from the dates of their appointments, subject to removal at the will of the Circuit Judges of their respective counties.

Act March 16, 1869, page 88.

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Examiners must take oath in open court before acting. Not less than two examiners in a county. The office of one of the examiners, must be in or near the county seat.

The same fees allowed examiners for taking depositions, shall be allowed to all other officers entitled to take the same.

Act February 17, 1858.

The fees allowed by law are as follows: For each deposition, one dollar.

## CHAPTER 1075.

### Surveyor's Fees.

Acts Adjourned session, January 1867, pages 8-9.

**AN ACT** to continue in force an act approved February 25, 1865 concerning Surveyor's Fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to fix the fees of surveyors," approved February 25, 1865, be continued in full force and effect for the term of two years after the passage of this act.

Approved January 23, 1867.

The act of February 25, 1865, is as follows:

### AN ACT to fix the fees of Surveyors.

§ 1. That the fees of surveyors shall be as follows, viz.: For a survey of each tract of land of not over one hundred acres, and plat of the same-----	\$3 00
For each additional fifty acres, or fraction thereof-----	1 00
For surveying town lot, and plat thereof-----	1 00
For running a dividing line-----	2 00
For surveying land for a mill-seat-----	3 00
For surveying patent land by the patent boundaries, and making plat thereof-----	3 00
For every hundred acres over four hundred acres-----	1 00
For each plat and connection-----	1 00
For each tract represented upon a connected plat over two, for running a dividing line between two counties, to be paid by the new county, where one is made, per day-----	50
If between counties existing, to be paid by the counties equally interested.	4 00
For receiving and receipting for a land warrant-----	25
For copy of a certificate and survey-----	50

For making an entry for land and a copy-----	\$ 25
For every survey made under an order of the court, for every three poles-----	1
For attending commissioners in dividing land or assign- ing dower, per day-----	2 00
For every plat from notes taken on the ground or furnished by the party, and calculating contents, with certificate attached-----	1 50
For each additional plat laid down from field notes, or from official documents, with notes of explanation-----	25
For each copy of such connected plat-----	50
For processioning of land, per day-----	3 00
For each connected plat thereof-----	50
For each day's attendance on the viewers of a road or pass- way-----	3 00
For each connected plat of the same, with explanatory notes and report-----	1 00

In force two years from passage. By subsequent act  
continued until 1874.

## CHAPTER 171.

### Processioners of Land.

Acts 1869-70, page 12.

AN ACT to increase the compensation of Processioners of Land.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That processioners of land in this Commonwealth be allowed three dollars per day for their services in process-  
sioning land from and after the passage of this act.

Approved January 26, 1870.

### Notaries Public.

Notaries Public are appointed by the Governor; have to take oath and execute bond.

For every attestation, protestation, or taking acknowledg-  
ment of any instrument of writing and certifying the  
same under seal, fifty cents. For recording same in a  
book kept for that purpose, fifty cents.

For each notice of protest, twenty-five cents.

For administering an oath, ten cents.

For recording each protest, required by section 1st of act January 16, 1864, shall be allowed in addition to their present fees, seventy-five cents.

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### Strays.

The taker up should be a free-holder or lessee for three years or more, and shall be paid by the owner of the stray, if, and when he claims the same or its value, the fees paid the Justice and Clerk and costs of advertising, and also a reasonable sum for keeping the stray, where the same has not been used, and likewise a fee of one dollar for each horse, mule, jack or jennet, and one shilling for any other stray posted.

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For recording a post note, by a Justice of the Peace, and giving the taker up (of an estray) a copy of the same, and a certified copy to the county court Clerk—which should be done within thirty days—fifty cents.

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### Witnesses' Fees.

Witnesses attending circuit and quarterly courts, who reside at a greater distance from such court than ten miles, shall be entitled to the same mileage now allowed to witnesses residing out of the county, and subject to the same rules and limitations.

Approved February 17, 1858, page 81.

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A witness is allowed four cents per mile, going and returning, besides, ferriages and tollages, and his per diem while attending court of fifty cents.

A witness attending in several suits at the same time shall only be allowed to claim in one case.

A witness is allowed for each day's attendance on court or before arbitrators, or to give deposition, or to give evidence on any legal occasion, fifty cents.

A witness summoned and attending in a county different from that in which he resides, is allowed four cents per mile going and returning, besides ferriages and tollages, in addition to a per diem of fifty cents.

Officers attending under *subpoena duces tecum*, are allowed one dollar per day.

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#### Arbitrators.

Arbitrators are allowed one dollar per day for services and one dollar for giving a deposition.

Acts January 22, 1864, page 6.

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#### Executors, Administrators and Guardians.

County courts have exclusive jurisdiction to grant administration on estates of deceased persons in Kentucky.

Administration is granted on the estate of an intestate, first to the husband or wife, then to such other relatives as are not entitled to distribution, whom the court shall judge will best manage the estate. If none of the above apply, the Court may, in its discretion, appoint a creditor or other person.

By an act approved 1st of June, 1865, it is made the duty of every county court in the State to appoint an officer to be called Public Administrator and Guardian, who shall hold his office for the term of four years, and until his successor shall be appointed and qualified. The Public Administrator and Guardian shall have confided to him for settlement all estates of deceased persons where all of the executors named in any last will shall refuse to qualify, or refuse and fail to give bond and security; where

no one shall apply for administration with the will annexed; or if no one shall apply for administration who can give good security, or there shall be no personal representative of the estate of a deceased person, after the expiration of three months from the death of said person. And they shall have the care and control of all estates of all minors, where said minors may not have any guardian or curator, or where no one will apply for or serve as guardian or curator of the estate of any minor.

Executors and administrators are required to take the prescribed oath and execute an approved bond in the county court, before acting.

The court must appoint three persons as appraisers, any two of whom may act, being *first* sworn.

It is the duty of appraisers, *after being sworn*, to view and appraise such estate or property as may be exhibited to them by the executor or administrator.

If the appraisers believe that all the property has not been exhibited to them, they must report the fact to the court.

Each personal representative, whether it be necessary for the payment of debts or not, shall, within a reasonable time after he is qualified, sell at public sale, on a reasonable credit, such goods of the decedent (special legacies excepted) as are liable to perish, be consumed or rendered worse by keeping, and shall take an obligation, with good security, from the purchaser, for the payment of the sale money.

The sale bill must be returned within sixty days from the date of sale, to be recorded in the county clerk's office, or the executor or administrator may be proceeded against by fine or otherwise; and said inventory must be returned within three months from the time of qualifying.

## Certificate for sale bill :

As administrator (or executor) of \_\_\_\_\_ deceased, I hereby certify that the above and foregoing is a true, full and perfect report of the sale of the personal estate of the said decedent, as sold by me on the — day of — 18—.

\_\_\_\_\_  
Administrator, etc.

The sale bill should show each article, name of purchaser, and price of each article.

No demand against an estate should be paid until proven according to law.

Form of affidavit to be used in proving demands against an estate, viz :

Affiant states that he is owner of the annexed claim, amounting to — against the estate of \_\_\_\_\_, that the demand is just, due and unpaid, either in part or in whole; that there is no just set-off or discount against the same, and no usury embraced therein.

(Signed,) \_\_\_\_\_

Where there is any usury, set-off or discount against the claim, the same should be stated in the affidavit, and when the demand is upon an account, the items of the account should be proven by some person competent to testify.

If the personal estate of a decedent be not sufficient to pay his liabilities, then the burial expenses of such decedent and the costs and charges of administration, and the amount of the estate of a dead person, or of a ward, or of a person of unsound mind, committed by a court of record, and remaining in the hands of the decedent, shall be paid in full, before any *pro rata* division of the estate shall be made.

All debts and other liabilities shall be of equal dignity and paid ratably in the administration of an estate, and if more than a ratable share of any debt be paid, the per-

sonal representative shall only receive a credit for its proportion.

Executors and administrators are required to settle *within two years* from the date of appointment, and as often thereafter as the county Judge may require, and if settlements are not promptly made, it is the duty of the county Judge to rule them to a settlement.

A personal representative, after two years from date of appointment, shall be presumed to have used the surplus assets in his hands, and shall be charged with interest from that time, unless he proves that he did not use or make interest on such assets. If it can be shown that any interest was received on money belonging to the estate prior to the expiration of two years, the personal representative is bound therefor.

Debts created by the administrator are demands against himself, as administrator, and as he has personal knowledge of their correctness, he has a right to pay them without any verification by the claimant.

The marriage of an administratrix vacates office, and she ceases to be the personal representative of the intestate.

When a personal representative may wish to resign his trust, he shall first settle his accounts as such.

Sureties may rule principal to give new bond, and be released.

Personal representatives may require from legatees or distributees, refunding bond.

Form for refunding bond:

WHEREAS, \_\_\_\_\_, administrator of \_\_\_\_\_, has this day paid me the sum of \_\_\_\_\_, as one of the legatees of said estate. Now we \_\_\_\_\_, principal, and \_\_\_\_\_, surety, do obligate ourselves to refund to said administrator the due proportion of any debts or demands which may hereafter appear against said estate, and any portion of said sum that may appear to have been overpaid, and all costs attending the recovery of such excess.

\_\_\_\_\_  
\_\_\_\_\_  
Security.

*Personal representatives are entitled by law to legal counsel on subjects relative to estates, and it is suggested that before commencing to settle up an estate, it is advisable to retain a good attorney, and act upon his counsel and advice in all matters pertaining to the business. A reasonable attorney's fee will be allowed by the court.*

A book should be kept, in which should be entered, first the inventory and appraisement, then the sale bill. Pages should be set apart to a cash account, upon which should be entered all moneys received and all moneys paid out, with the dates of the payments, being careful to enter the exact amount of interest received on each claim due the estate. This record will prove valuable for reference, and prevent loss in case vouchers are misplaced or lost.

If an intestate owns land, it is suggested that the administrator advise the widow to file a petition in the proper court for allotment of dower and division among the children and report to the court the names of infants having no guardian. The personal representative has no power to rent lands, and his sureties are not responsible for rents received by him under his contracts, and although he does not administer on anything but personality, and has no control of lands, it is suggested that he advise the widow and children to proceed immediately to have dower allotted and division made in order to prevent waste, and in order that the widow and guardian for children may take the possession and management of land as soon as possible. This advice is given to be acted upon in cases where there is no doubt about there being a sufficiency of personal property to pay the debts.

### Fees.

Administrators are usually allowed about five per cent. It is discretionary with the county Judge as to the amount of compensation which may be allowed.

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A widow shall have twelve months from and after a final judgment shall have been rendered in any controversy in any court touching the validity of the will or codicil, to relinquish what is given to her by her husband's will or codicil.

Acts regular session, 1871-2, pages 16, 17.

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### Guardians.

County courts may appoint or remove guardians.

Guardians are appointed in the following order of procedure, unless the court deems it to the interest of the ward to depart from the rule:

FIRST.—The father, or testamentary guardian of his appointing.

SECOND.—The mother, if unmarried.

THIRD.—The next of kin, giving preference to males.

Minors over fourteen years old may select a guardian.

A guardian is required to execute an approved bond in the county court before acting.

Guardians are, within sixty days after appointment, required to return to the court, or to the Clerk in vacation, a true and perfect inventory of the real and personal estate of the ward signed by him and verified by his affidavit.

If other estate shall afterwards come to his knowledge, he shall return a supplemental inventory thereof, within sixty days from time of obtaining such knowledge.

For failure to make such returns within such times, the court may remove the guardian.

The inventory should describe land, value, probable value of its rent, a list of all personal property, money, notes, bonds, etc.

A guardian shall, in sixty days after the expiration of a year from date of his appointment, settle his accounts with the county Judge, and *at least*, within every two years thereafter, or as much oftener as the court may require.

At the expiration of his trust he shall deliver and pay to those entitled thereto, all the estate and money in his hands as guardian, or with which he is chargeable as such.

No suit can be maintained against an administrator or executor for a debt that decedent owed at his death until six months after he has qualified; and then if the claim be an account it must be sworn to and proved, and a demand made according to law.

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#### A Schedule of Property to be set apart to the Widow out of Estate of Deceased Husband.

The following is a list of articles exempt from distribution and sale and to be set apart to the widow or infant children, by the appraisers of the estate of an intestate, to-wit: two horses, or one horse and yoke of oxen; and if not on hand, other property or money not to exceed in value \$100, for *each* work horse or yoke of oxen; ten head of sheep; if none on hand, other property or money not to exceed \$1.50 per head; two cows and calves; if none, other property or money not to exceed \$20 (for each cow and calf); all the poultry on hand; if none, other property or money not to exceed \$5; all the spun

yarn and manufactured cloth and carpeting manufactured by the family necessary for its use ; if none, in lieu thereof, other property or money not to exceed \$20 ; all of the wearing apparel; the family Bible and one table; or in lieu of the family Bible and table, \$3 each ; one loom ; spinning wheel and cards, or in lieu thereof, either money or property not to exceed \$15 ; two beds, bedding and furniture ; if not on hand, other property or money not to exceed \$40 in value, each ; one-half dozen plates ; one half-dozen cups and saucers ; one coffee pot ; one tea pot ; one half-dozen knives and forks ; one oven and pot ; if none on hand, other property or money not to exceed one dollar each ; one cooking stove and appendages and other cooking utensils not exceeding \$25 in value ; one half-dozen chairs or so many as shall not exceed \$8 in value ; and if not on hand, other property or money not to exceed \$8 ; one saddle and appendages, together with bridle ; and if not on hand, other property or money, in lieu thereof, not to exceed \$10 ; one plow and gear, or in lieu thereof, if none on hand, other property or money not to exceed \$10 ; one axe, one hoe ; if none, other property or money not exceeding one dollar each ; a sufficiency of provisions, including breadstuffs and corn meal, food to sustain the widow and infant children residing with her one year ; and if there is not a sufficiency of provisions on hand for that purpose, then so much of the live stock suitable for that purpose, and of the growing crop, if any, as is necessary to supply the deficiency, and if not on hand, other property or money in lieu thereof, not exceeding \$50, for the support of the widow and each infant child living with her.

If there are infant children, with neither father nor mother surviving, there shall be set apart for the support

of such infant children, the articles above, and if such articles are not on hand, then other articles or money shall be set apart in lieu thereof, but in no case shall appraisers set apart, to either widow or orphan, property or money in lieu of the articles allowed by law, of greater value in the aggregate than \$750.

By act of February 27, 1860, one sewing machine. See Myers' Supplement, page 212.

Widows without infant children shall have the same property set apart to them as was formerly set apart to widows having infant children residing in the family. And it is the duty of appraisers to state in their appraisement, the articles, and value of each, set apart by them to widows, separately from the articles appraised for sale.

Acts 1865, page 28. See Myers' page 183.

A widow shall have twelve months, from and after a final judgment shall have been rendered in any controversy in any court touching the validity of the will or codicil, to relinquish what is given to her by her husband's will or codicil.

Acts regular session, 1871-2, pages 16, 17.

The following is a suitable caption for an Appraisement Bill, to-wit:

We the undersigned Appraisers, appointed by the \_\_\_\_\_ County Court, would respectfully report the following as a true and perfect list and valuation of the property exhibited to us by \_\_\_\_\_ the administrators of \_\_\_\_\_ deceased, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

Articles.

Signed,

Value.

	}
—	
—	

Appraisers.

Caption for report of articles exempt from distribution, and to be set apart to the widow, viz :

The undersigned Appraisers, appointed by the \_\_\_\_\_ County Court, would respectfully report the following list and appraisement of the property exempt from distribution, and which we allotted or set apart to the widow and infant children of — — —, deceased.

Articles.	Value.
Signed,	Value.
This — day of — 18—.	— — — } Appraisers.

The personal representative may sign the appraisement, and it shall be thereby considered an inventory of the estate that has come to his hands.

Appraisers are allowed one dollar per day, to be paid by the executor or administrator out of the estate.

#### Official Reporters for the Preservation of Evidence, and ex-officio Examiners.

Reporters for the Jefferson Court Common Pleas, Jefferson Circuit Court, Louisville Chancery Court, and Jefferson County Court.

Charles A. Graham and George W. Hardacre, are photographic reporters for said courts, for the term of four years from 2d day of March, 1872, and until their successors are appointed and qualified, unless they, or either of them, shall be removed by said Judges and the Chancellor, or a majority of them, for a neglect of duty or incompetency.

§ 2. Upon the trial of any cause in the Jefferson Court of Common Pleas, if either party to the suit, or their attorney, shall request the services of said official reporters, the presiding Judge may in his discretion order a full report of the testimony, in which case it shall be the duty

of said official reporters to cause full short-hand notes of the evidence to be taken, and upon request of either party to the suit, or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals. The fees of said official reporters for attendance in court, taking short-hand notes in such cases, and making such transcripts, shall be fixed by the presiding Judge of said court, and paid forthwith by the party or parties at whose instance the same was ordered, and shall be taxed as a part of the costs of the suit.

§ 3. In any suit or proceeding in the Louisville Chancery Court, where proof is to be taken, if either of the parties to the suit or proceeding, or their attorney or solicitor, shall suggest, the Chancellor may, in his discretion, direct the proof to be taken by said official reporters, in which case it shall be their duty to cause the testimony to be taken in short-hand, and to cause a full and accurate transcript of the same to be made and filed among the papers. Proof so taken shall be used upon the hearing of the cause, the same as if taken by any other officer authorized by law to take proof in such cases. Said Chancellor, may also, in his discretion, order a full report of the testimony upon the trial of any issue by jury in said court, where either of the parties or their attorney shall request. The fees of said official reporters for taking testimony in such cases shall be fixed by the Chancellor, and paid forthwith by the party in whose benefit it was taken.

§ 4. Upon the trial of any criminal cause in the Jefferson Circuit Court, if the Commonwealth's attorney or the accused shall, through his attorney, request the service of said official reporters, the presiding Judge may, in his discretion, order a full report of the testimony and transcript thereof; in which case it shall be the duty of the official reporters to cause full short-hand notes of the evidence to be taken, and to cause a full and accurate transcript of the same to be made and filed among the papers, which transcript may be used in making up the bill of exceptions to the Court of Appeals.

The fees of said official reporters for taking and transcribing the testimony in such cases shall be fixed by the presiding Judge, and shall be paid by Jefferson county and the city of Louisville, in the proportion that other joint county and city expenses are now paid and provided for by their local authorities; *provided*, that no part of the fees of said reporters shall be paid by the Commonwealth.

§ 5. In any matter upon hearing before the County Court of Jefferson County, if either of the parties or their attorneys shall request the service of official reporters, in order that the evidence may be preserved, the presiding Judge of said court may, in his discretion, order a full report of the testimony in such matters to be taken, in which case it shall be the duty of said official reporters to cause full short-hand notes of the testimony to be taken, and upon request of either party or their attorney, to cause an accurate transcript of the same to be made and filed among the papers to be used by the respective parties, as the court may direct.

The fees for taking notes and making transcripts in such cases shall be certified by the presiding Judge, and paid forthwith by the party or parties at whose instance the same was ordered, and shall be taxed as a part of the costs in the suit.

§ 6. The testimony of any witness or witnesses taken by said official reporters in any of the courts as aforesaid, shall constitute a part of the record of the case, and may, in the discretion of the court, be used in any subsequent trial of the same case between the same parties, where the testimony of such witness or witnesses can not be procured, which fact must be made to appear to the court by the affidavit of the party desiring to use the same, or his attorney.

§ 7. Official reporters appointed under the provisions of this act, shall be *ex-officio* examiners, may have a common seal, and shall have full power and authority to swear

witnesses, and take and certify depositions in any of the courts of this Commonwealth, and shall have the same fees as now allowed by law to examiners.

§ 8. Before entering upon the duties of their office, official reporters appointed under this act shall take an oath for the faithful performance of their duties, and shall, severally, give bond with sufficient security in the sum of five thousand dollars conditioned for the faithful performance of their duties, to be filed in the office of the Clerk of the Court of Common Pleas, and, if forfeited, suit may be instituted thereon for the use of the party injured.

§ 9. That any of said reports, where attested by the Judge before whom the trial is had, may be taken without being copied to the Court of Appeals to be used upon an appeal, and thereafter returned to the court in which it was made.

§ 10. This act shall take effect from its passage.

Approved March 1, 1872.

## CHAPTER 55.

### Clerk's Fees.

ARTICLE VII. § 1. The Circuit Court Clerks, at the fall term of their respective courts, shall make out their fee-bill for services rendered the Commonwealth under the jury law. The attorney for the Commonwealth shall examine the fee-bill; and if in accordance with the fees allowed by this chapter, he shall certify the same to the court, who shall order the trustee of the jury fund to pay the same, which fee-bill shall be copied and certified to the auditor with the jury fund report.

§ 2. The following shall be the allowances to the clerks, and no more :

For order appointing and swearing jury commissioners...	\$ 25
Furnishing to jury commissioners names of persons exempted from service .....	25

Recording receipt of envelope of sealed return, and the oath of clerk and deputy-----	\$ 25
Certified list of jurors to the sheriff-----	25
Filing the same when returned by the sheriff, and placing names of jurors on slips of paper-----	25
Order excusing juror---(if more than one be excused at the same time, no more)-----	25
Noting the names of the standing jurors on the order book,-----	25
Order for sheriff to summon other jurors-----	10
Noting on the order book the allowance to each juror-----	2
Certifying allowance to the trustee of the jury fund for each juror-----	2
Recording settlement of trustee, copy and certifying the same to auditor, and for all services incident thereto-----	75

§ 3. In no case shall the trustee of the jury fund be allowed, for any services rendered under the jury law, more than five per cent. on the amount paid out by him according to law.

#### Tobacco Warehouses of Louisville.

The bill which passed the Legislature during the session of 1871-2, was so objectionable to the proprietors of the tobacco warehouses of Louisville, that they declined to operate under the regulations of the bill, and instead thereof they, themselves, selected Inspectors to sample all tobacco sold in this market. The two selected are A. K. Long, of Union county, and B. Winston, of Logan county, who are paid for their services by the proprietors of the warehouses.

The charge for selling a hogshead of tobacco, to the proprietor or seller, is two dollars per hogshead, and one per cent. commission on amount of sales.

#### Escheators.

Escheators or Auditors' agents--compensation fixed at the discretion of the State Auditor, but not to exceed ten per cent. on the amount of money he may collect

Act February 17, 1858, page 72.

**Agent's Compensation for Reclaiming Fugitive.**

Agents of this State for reclaiming Fugitives from Justice, shall be allowed to receive, as a compensation for his services, at the rate of twelve and a half cents per mile for the distance he may travel to and from the county seat of the county having jurisdiction of the offense of which said fugitive stands charged, to the place where said fugitive may be arrested—the distance to be computed by the route most usually traveled—and such other fees and necessary expenses as he may have to expend in reclaiming and transporting such fugitive.

The claims to be allowed by the Governor, and for the amount of which the Auditor will draw his warrant upon the Treasurer.

Acts 1857-8, vol. 1, page 73.

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**Boats and other Water Crafts.**

The taker up of any boat, or water craft, or vessel on the Ohio river, shall in addition to the cost of entering the certificate of appraisement, be entitled to the following compensation:

For each horse-boat, \$12; if half full, or less, \$15; if unloaded, \$10. For each barge or keel-boat, if loaded in whole or in part, \$15; if unloaded \$10. For each wood-flat, \$3; for each ferry-flat, \$3; for each skiff, canoe, or perogue, \$1; for each raft, or log, or timber, or plank, \$1.50 for each platform thereof.

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**Port Warden.**

There shall be paid to each port warden, for his services, by the person applying therefor, the following fees:

For inspection of a vessel or cargo, one dollar; for attending at the unloading of vessel, one dollar; and if de-

tained at such attendance more than one hour, for each additional hour, twenty-five cents. For each certificate or copy of a record, fifty cents.

### Lock Keepers.

Duty of lock keeper on Green river, at lock and dam No. 1, and of the several lock keepers on the Kentucky river, to prosecute for any violation of the provisions of Act of February 26, 1868, but any other person or persons may do so, and in case of conviction, one-half of the fine shall inure to the benefit of the prosecutors.

Act February 26, 1868, page 27.

### Weights and Measures, as Recognized by the Laws of the United States.

BUSHEL.	POUNDS.	BUSHEL.	POUNDS.
Wheat	60	Bluegrass seed	14
Shelled corn	56	Buckwheat	56
Corn in the ear	70	Dried apples	24
Rye	56	Dried peaches	39
Oats	32	Onions	57
Barley	47	Salt	50
Irish potatoes	60	Stone coal	80
Sweet potatoes	55	Bran	20
White beans	60	Plastering hair	8
Castor beans	45	Turnips	58
Clover seed	60	Unslackened lime	35
Timothy seed	45	Corn meal	48
Flax seed	56	Fine salt	55
Hemp seed	44	Hungarian grass seed	50
Millet seed	50	Ground peas	24
Peas	60		

The Governor will supply any County Court with the standard dry and wet measures and weights, when he is properly informed that any County Court in the State is not supplied.

Acts adjourned session, January 1867, page 99.

Sealer of Weights and Measures, for testing either weight or measures, entitled to charge a fee from five to twenty-five cents.

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In the County of Jefferson, the Jefferson County Court shall regulate and fix the duties and fees of said officers of Sealer of Weights and Measures.

Act February 28, 1856, page 71.

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#### Weight of Coal.

Weight of unscreened stone coal, of every kind, sold in Kentucky, shall be four pounds more to the bushel than the same kind and character of stone coal when screened.

Any person selling unscreened coal as for screened coal, is liable to a fine of not less than five nor more than twenty dollars for each offense, to be recovered by warrant before any Justice of the Peace having jurisdiction.

Acts regular session 1869-70, pages 103-4.

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#### Weight of Grain.

§ 1. That so much of section seven, chapter one hundred and five, of the Revised Statutes, as relates to the weight of a bushel of oats, be, and the same is hereby, so amended, that hereafter, in this Commonwealth, thirty-two (32) pounds of cleaned or shelled oats shall be a legal bushel; and that all acts and parts of acts heretofore passed on this subject, in conflict with this act, be, and the same are hereby repealed.

§ 2. This act shall take effect and be in force from its passage.

Act March 27, 1872.

**Acknowledgments.**

FORM OF ACKNOWLEDGMENT OF A DEED, ETC., BY GRANTORS  
KNOWN TO THE OFFICER, OR WHEN IDENTIFIED BY OATHS  
OF WITNESSES—

Form of certificate of acknowledgment of a deed or power of attorney from man and wife for land lying in any of the following States, to-wit: Alabama, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, Vermont, Wisconsin, and Montana Territory:

STATE OF KENTUCKY,                           } Sct.  
County of \_\_\_\_\_.                           }

Be it remembered that in the county aforesaid on the — day of —, A. D. 187—, before me, [here insert name and title of officer], duly elected [or appointed, commissioned as the case may be], and qualified as such in and for the county and state aforesaid, appeared A. B. and C. D., his wife, who are personally known to me, [or who were proven by the oaths of E. F. and G. H. credible residents of this county, known to me] to be the same persons, whose names are subscribed as grantors to the [annexed or] foregoing deed to I. J., and they severally acknowledged that they had signed, sealed, and delivered the said instrument of writing, as their free act and deed for the uses and purposes therein expressed, which is certified to the proper office for record.

In testimony whereof, I have hereunto subscribed my name and affixed my seal of office, at my office in —, this — day of —, A. D., 187—.

A privy examination is necessary for all married women, but for the foregoing States it is not necessary to certify the fact in the certificate.

Where there is no wife or feme covert, the foregoing certificate will do for any of the States or Territories.

Form of certificate of acknowledgment of deed—man and wife, for land lying in the following States: Arkansas, California, Delaware, District of Columbia, Florida, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Colorado Territory, Dakota, Idaho:

STATE OF KENTUCKY, } ss.  
County of \_\_\_\_\_.

Be it remembered that in the county aforesaid, on this — day of \_\_\_\_\_, A. D. 187—, before me, [here insert name and title of officer taking acknowledgment,] duly elected [or appointed, commissioned, etc., as the case may be,] and duly qualified as such in and for said county and state, appeared A. B. and C. D., his wife, who are personally known to me, [or who were proven by the oaths of E. F. and G. H., credible witnesses, residents of this county, known to me] to be the same persons whose names are subscribed as grantors to the [annexed or] foregoing deed to I. J., and they acknowledged that they had signed, sealed, and delivered the said instrument of writing as their free act and deed, for the uses and purposes therein expressed. And the said C. D., wife of the said A. B., being at the same time examined by me privily and apart, and without the hearing of her husband, she again acknowledged said instrument, as her voluntary act and deed, and that she did so willingly, without compulsion, threats, apprehension, or fear of her said husband, and wished not to retract the same, and was willing the same should be recorded. All of which is certified to the proper office for record.

In witness whereof, I have hereunto subscribed my name and affixed my seal of office, at my office in \_\_\_\_\_, this — day of \_\_\_\_\_, A. D. 187—.

FORM OF CERTIFICATE—WITNESSES MOVING THE EXECUTION  
OF A DEED OR POWER OF ATTORNEY—LAND OUT OF STATE.STATE OF KENTUCKY,  
County of \_\_\_\_\_ } ss.

Be it remembered that on the — day of ——, A. D., in said county, before me, [here insert name and title of the officer making this certificate,] duly elected and qualified as such, [or duly appointed, commissioned, and qualified as such, as the case may be,] personally appeared A. B. and C. D., to me personally known to be subscribing witnesses to the foregoing deed from E. F. to G. H., [or as the case may be, "who is proven to me by the oath of I. J., a credible witness, known to me to be subscribing witnesses to the foregoing deed,"] who being duly sworn, deposed and said, that the said E. F., whose name appears subscribed as grantor to said deed, is the real person who executed the same, and that he, the said E. F., acknowledged the same to be his act and deed in these witnesses presence, and that they subscribed the same as witnesses, at the request and in the presence of said E. F., which is sufficient proof to me of the execution of said deed.

In witness whereof, I have hereunto subscribed my name and affixed my seal of office, at my office in ——, this — day of ——, A. D. 187—.

### The Congressional Apportionment of the State of Kentucky.

First District—The counties of Fulton, Hickman, Calloway, Marshall, McCracken, Ballard, Trigg, Lyon, Crittenden, Livingston, Graves and Caldwell, shall compose the First District.

Second District—The counties of Daviess, Hopkins, Muhlenburg, Ohio, McLean, Christian, Webster, Henderson, Hancock and Union, shall compose the Second District.

Third District—The counties of Todd, Logan, Butler, Edmonson, Warren, Simpson, Allen, Barren, Monroe, Metcalfe, Cumberland and Clinton, shall compose the Third District.

Fourth District—The counties of Green, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Hart, Grayson, Hardin, Breckinridge and Meade, shall compose the Fourth District.

Fifth District—The counties of Jefferson and Oldham, shall compose the Fifth District.

Sixth District—The counties of Harrison, Pendleton, Grant, Campbell, Kenton, Boone, Gallatin, Carroll, and Trimble, shall compose the Sixth District.

Seventh District—The counties of Jessamine, Clark, Bourbon, Fayette, Woodford, Franklin, Scott, Owen, Henry, and Shelby, shall compose the Seventh District.

Eighth District—The counties of Wayne, Pulaski, Lincoln, Garrard, Madison, Mercer, Boyle, Casey, Taylor, Anderson, Adair, and Russell, shall compose the Eighth District.

Ninth District—The counties of Whitley, Knox, Laurel, Rockcastle, Jackson, Estill, Powell, Owsley, Clay, Harlan, Perry, Breathitt, Wolfe, Morgan, Magoffin, Floyd, Pike, Letcher, Menifee, Elliott, Josh Bell, Lee and Montgomery, shall compose the Ninth District.

Tenth District—The counties of Bracken, Mason, Lewis, Greenup, Boyd, Lawrence, Johnson, Rowan, Bath, Martin, Nicholas, Fleming and Robertson, shall compose the Tenth District.

Acts regular session, 1871-2, pages 53-4.

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#### Synopsis of the New National Revenue and Tax Bill.

The general provisions of this bill will take effect July 1, 1872, when not otherwise stated.

The taxes heretofore imposed on distilled spirits are consolidated into one of seventy cents per gallon, wholesale and retail liquor dealers still pay the same special tax as under the old law, but the fifty cents per barrel tax on rectifiers and the tax on liquor dealers' sales are repealed.

This takes effect August 1, 1872.

### Tobacco.

The tax on tobacco is uniform at twenty cents a pound. The tax on sales of leaf tobacco is repealed.

Gaugers are paid by fees as under the law of 1868, but, under the amended law, they, as well as storekeepers are paid by the Government, instead of the distillery.

§ 35. Of the new law repeals all taxes on illuminating gas.

§ 36. Repeals all stamp duties except the two cent stamp on check drafts, orders, proprietary medicines, perfumery, etc.

This takes effect October 1, 1872.

§ 37. Changes the method of assessing and collecting the tax on bank capital and deposits. It provides that the same amount of tax shall be paid semi-annually, instead of monthly as now provided.

§ 39. Repeals all provisions of law giving moities to informers.

§ 43. Provides that before January 1, 1873, the President shall reduce the number of collection districts from 282, the present number, to 80, and the Secretary of the Treasury is ordered to reduce the number of Assistant Assessors, Inspectors, Gaugers, Storekeepers, and the clerks and employees in the Internal Revenue Bureau, to as small a number as is consistent with the performance of the reduced duties of the service, and report his action to Congress.

§ 44. Provides that all claims for taxes erroneously assessed must be presented within one year from the passage of this act, and all suits for recovery of taxes paid must be commenced within two years after cause of action.

All the provisions of the law relating to the tariff take effect August 1, 1872.

# EXEMPTION LAWS OF KENTUCKY.

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A list of Property Exempt from Execution, Distress Warrant, or General Attachment, carefully arranged, revised and corrected by R. R. BOLLING, June 1st, 1872.

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## CHAPTER 494.

### Real Estate.

Acts 1865-6, page 31.

AN ACT to Exempt Homesteads from Sale for Debt.

§ 1. That in addition to the personal property now exempt from execution, on all debts or liabilities created or incurred after the first day of June, one thousand eight hundred and sixty-six, there shall be exempt from sale under execution, attachment, or judgment of any court, except to foreclose a mortgage given by the owner of a homestead, or for purchase money due therefor, so much land, including the dwelling house and appurtenances owned by the debtor, as shall not exceed in value one thousand dollars.

§ 2. That before a sale of land under execution, order of attachment, or judgment of court, the officer in whose hands the execution may be, or the court, shall cause so much thereof as shall not exceed in value one thousand dollars, and which may be selected by the defendant, to be valued under oath and set apart to him by two disinterested housekeepers of the county not related to either party; and, in case they disagree, the officer shall act as umpire.

§ 3. That the valuation so made shall be in writing, signed by the persons making it, and returned to the court directing it, or with the execution; and the officer must refer to and explain the proceedings in his return on the execution.

§ 4. That where the defendant in the execution, attachment, or action, owns real estate which is levied on or sought to be subjected to the payment of any debt or liability, and the same, in the opinion of the valuers, is of greater value than one thousand dollars, and is not divisible without great diminution in its value, then the same shall be sold under the execution, attachment, or judgment, and one thousand dollars of the money arising from the sale shall be paid to the defendant to enable him to purchase another homestead: *Provided, however,* That if the land, when offered for sale, does not bring more than one thousand dollars, there shall be no sale.

§ 5. That no mortgage, release, or waiver of such exemption shall be valid, unless the same be in writing, subscribed by the defendant and his wife, and acknowledged and recorded in the same manner as conveyances of real estate; and such exemption shall continue after the death of the defendant for the benefit of his widow and children, but shall be estimated in allotting dower.

§ 6. That this act shall only apply to white persons, who are actually *bona fide* housekeepers with a family, and shall not apply to sales under execution, attachment, or judgment at the suit of creditors, where the debt or liability existed prior to the purchase of land or the erection of the improvements thereon.

Approved February 10, 1866.

**Personal Property Exempt from Execution.**

One work beast or yoke of oxen; one plow and gear; one ax; one hoe; two cows and calves; two beds, bedding and furniture; one loom and spinning wheel; and card for the same; all the spun yarn and manufactured cloth, and carpeting manufactured by the family, necessary for its use; one pot; one oven; half-dozen plates; half-dozen cups and saucers; one coffee pot; one tea pot; half-dozen knives and forks; one table; the family Bible; one saddle and its appendages; one bridle; six chairs, or so many as shall not exceed eight dollars in value; all the poultry on hand; five head of sheep; wearing apparel; also a sufficiency of provisions, including breadstuff and animal food to sustain the family one year; and if there is not a sufficiency of provisions on hand for that purpose, then so much of the live stock suitable for that purpose, and of the growing crop, if any, as may be necessary to supply the deficiency. And on all liabilities created after the 22d of March, one thousand eight hundred and fifty-one, the following additional property is exempt: one work horse; five head of sheep; one cooking stove and appendages, and other cooking utensils, not exceeding twenty-five dollars in value.

This act applies only to *bona fide* housekeepers with a family, including infant children.

By act approved March 6th, 1868, in addition to the above: One two-horse wagon or ox cart; one set of gear; all apparatus for washing not exceeding fifty dollars in value; one bed and bedding; carpeting for one room; six chairs; all the school books on hand necessary for the education of the defendant's children; a prayer-book and hymn-book; one bureau; one wardrobe; one washstand;

one clock; six plates; six cups and saucers; six knives and forks.

This act takes effect from its passage, but shall not apply to any debt heretofore contracted.

Acts 1867-8, page 39-40.

By act approved February 27, 1860, one sewing machine, is exempt on all liabilities created after February 1st, 1860.

Meyers' Supplement, page 212.

By act approved March 30, 1861, see Meyers' Supplement, page 212, one gun not exceeding \$50 in value is exempt; this applies to *bona fide* housekeepers only, on all abilities created since May 29th, 1861.

By act approved February 16, 1870, libraries of ministers of the gospel; the professional libraries of lawyers; the professional libraries and instruments of physicians and surgeons, to the amount of \$500 are exempt; and "one horse with cart or dray with gear" for laboring men; but these last items are not in addition to the two horses and wagon 'or ox cart and gear above mentioned. This seems to apply to housekeepers with a family only.

Session acts 1864-5, page 25.

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### Mechanic's Tools Exempt.

Acts 1863-4.

AN ACT to exempt Mechanics' Tools from sale under Execution.  
Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tools, not exceeding one hundred dollars in value, of any mechanic who is a *bona fide* housekeeper, shall be and the same are hereby declared exempt from levy and sale under execution, attachment, distress for rent, or fee bills: *Provided*, that one work beast only shall

be exempt where a mechanic claims the exemption of his tools, as herein provided for: *Provided, further,* that this act shall not effect any contract, debt, or liability heretofore contracted or incurred; nor shall it exempt said property from the payment of the revenue tax or county levy.

§ 2. That it shall be the duty of the Sheriff or other officer, levying an execution or other process such as is named in the first section of this act, upon the character of property therein mentioned, before he proceeds to sell the same, to select two discreet, disinterested housekeepers of his county, who shall be sworn by the officer, to value and set apart to the mechanic, one hundred dollars in value of such tools as he may have, to be selected by the debtor; and should there not be a sufficiency of tools to amount (in value) to that sum, then all he has shall be set apart to said mechanic; and the Sheriff or other officer, shall return a list of the property so set apart with the execution or other process, to the office from which the same is sued.

§ 3. That this act shall take effect and be in force from its passage.

Approved March 6, 1854.

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## CHAPTER 91.

### Acts Regular Session, 1871-2, pages 7-8.

AN ACT to amend an act approved February 10, 1866, entitled  
“An act to exempt Homesteads from Sale for Debt.”

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section six (6) of an act entitled “An act to exempt Homesteads from Sale for Debt,” approved February 10, 1866, be, and the same is hereby so amended as hereafter to extend the provisions of said act to every *bona fide* housekeeper with a family within this Commonwealth, irrespective of race or color.

§ 2. That this act shall take effect from and after its passage.

Approved January 24, 1872. See Myers' Supplement, page 714.

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**Wages of Laborers who are bona fide housekeepers with a family, exempt to the amount of \$50.**

§ 1. That hereafter the wages for work done by laborers who are *bona fide* housekeepers of this Commonwealth, with a family, shall be exempt from attachment or garnishee, not exceeding fifty dollars.

§ 2. That all acts and parts of acts in conflict with this act, are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Acts 1871-2, page 78.

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**Militia Equipments, etc., Exempt.**

All arms, ammunition, and equipments of every militia man shall be exempt from execution and distress at all times, and their persons from arrest, except for treason, felony, or breach of the peace, while going to, at, or returning from musters, or any militia court.

See Stans' Rev. Stat., vol. 2, page 169.

# DEPARTMENT OF THE UNITED STATES.

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## The Executive.

ULYSSES S. GRANT, of Illinois, *President of the United States.* Salary, \$25,000.

SCHUYLER COLFAX, of Indiana, *Vice-President.* Salary, \$8,000.

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## The Cabinet.

HAMILTON FISH, of New York, *Secretary of State.* Salary, \$8,000.  
GEORGE S. BOUTWELL, of Massachusetts, *Secretary of the Treasury.* Salary, \$8,000.

WILLIAM W. BELKNAP, of Iowa, *Secretary of War.* Salary, \$8,000.  
GEORGE M. ROBESON, of New Jersey, *Secretary of the Navy.* Salary, \$8,000.

COLUMBUS DELANO, of Ohio, *Secretary of the Interior.* Salary, \$8,000.

GEORGE H. WILLIAMS, of Oregon, *Attorney General.* Salary, \$8,000.  
JOHN A. J. CRESWELL, of Maryland, *Postmaster-General.* Salary, \$8,000.

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## The Judiciary.

### SUPREME COURT OF THE UNITED STATES.

SALMON P. CHASE, of Ohio,	<i>Chief Justice,</i>	Salary, \$8,500.
NATHAN CLIFFORD, of Maine,	<i>Associate Justice,</i>	" 8,000
SAMUEL NELSON, of New York,	" "	" 8,000
WILLIAM STRONG, of Pennsylvania,	" "	" 8,000
DAVID DAVIS, of Illinois,	" "	" 8,000
NOAH H. SWAYNE, of Ohio,	" "	" 8,000
STEPHEN F. MILLER, of Iowa,	" "	" 8,000
STEPHEN J. FIELD, of California,	" "	" 8,000
JOSEPH P. BRADLEY, of New Jersey,	" "	" 8,000

Court meets, the first Monday of December, at Washington.

**U. S. Circuit and District Courts—Jurisdiction, etc.****IMPORTANT CHANGES IN THE PRACTICE OF UNITED STATES COURTS.**

Congress has just passed an act making radical changes respecting the practice in the United States circuit and district courts. These changes concern the public generally, as well as members of the bar, since they involve needy reforms in many particulars. We copy the act of Congress entire :

**AN ACT to further the Administration of Justice.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever in any suit or proceeding in a circuit court of the United States, being held by a Justice of the supreme court and the circuit Judge or a district Judge, or by the circuit Judge and a district Judge, there shall occur any difference of opinion between the Judges as to any matter or thing to be decided, ruled or ordered by the court, the opinion of the presiding Justice or the presiding Judge shall prevail, and be considered the opinion of the court for the time being; but when a final judgment, decree or order in such suit or proceedings shall be entered, if said judges shall certify, as it shall be their duty to do if such be the fact, that they differed in opinion as to any question which, under the act of Congress of April 29, 1802, might have been reviewed by the Supreme Court on certificate of difference of opinion, then either party may remove said final judgment, decree, or order to the supreme court, on writ of error or appeal, according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas.

§ 2. That no judgment, decree, or order of a circuit or district court of the United States, in any civil action at law or in equity, rendered after this act shall take effect, shall be reviewed by the supreme court of the United States on writ of error or appeal, unless the writ of error be sued out, or the appeal be taken, within two years after the entry of such judgment, decree, or order; and the judgment, decree, or order, of the district court, rendered after this act shall take effect, shall be reviewed by a circuit court of the United States upon like process or appeal, unless the process be sued out, or the appeal be taken, within one year after the entry of the judgment, decree, or order sought to be reviewed: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or *non compos mentis*, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within the

periods above designated after the entry of the judgment, decree, or order exclusive of the term of such disability. The appellate court may affirm, modify, or reverse the judgment, decree, or order brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court as the justice of the case may require.

§ 3. That the supreme court may at any time, in its discretion, and upon such terms as it may deem just, and where the defect has not injured and the amendment will not prejudice the defendant in error, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or the parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in all other particulars of form where the defect has not been prejudiced, and the amendment will not injure the defendant in error; and the circuit and district courts of the United States shall possess the like power of amendment of all process returnable to or before them.

§ 4. That a bill of exceptions hereafter allowed in any cause shall be deemed sufficiently authenticated if signed by the Judge of the court in which the cause was tried, or by the presiding Judge thereof, if more than one Judge sat on the trial of the cause, without any seal of the court or Judge being annexed thereto; and all process issued from the courts of the United States shall bear teste from the day of such issue.

§ 5. That the practice, pleadings, and forms and modes of proceeding in other than equity and admiralty causes in the circuit and district courts of the United States shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of court to the contrary notwithstanding: *Provided, however,* That nothing herein contained shall alter the rules of evidence under the laws of the United States and as practiced in the courts thereof.

§ 6. That in common-law causes in the circuit and district courts of the United States the plaintiff shall be entitled to similar remedies, by attachment or other process against the property of the defendant, which are now provided for by the laws of the State in which such court is held, applicable to the courts of such State: and such circuit or district courts may, from time to time, by general rules, adopt such State laws as may be in force in the State in relation to attachments and other process; and the party recovering judgment in such cause shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are now pro-

vided by the laws of the State within which said circuit or district courts shall be held in like causes, or which shall be adopted by rules as aforesaid; *Provided*, That similar preliminary affidavits or proofs, and similar security as required by such laws, shall be first furnished by the party seeking such attachment or other remedy.

§ 7. That whenever notice is given of a motion for an injunction out of a circuit or district court of the United States, the court or the judgment thereof may, if there appear to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion. Such order may be granted with or without security in the discretion of the court or Judge: *Provided*, that no Justice of the supreme court shall hear or allow any application for an injunction or restraining order except within the circuit to which he is allotted, and in causes pending in the circuit to which he is allotted, or in such causes at such places outside of the circuit as the parties may in writing stipulate, except in causes where such application can not be heard by the circuit Judge of the circuit, or the district Judge of the district.

§ 8. That no indictment found and presented by a grand jury in any district or circuit or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant.

§ 9. That in all criminal causes the defendant may be found guilty of any offense the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of an attempt to commit the offense so charged: *Provided*, That such an attempt be itself a separate offense.

§ 10. That on an indictment against several, if the jury can not agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury.

§ 11. That any party or person desiring to have any judgment, decree, or order of any district or circuit court reviewed on writ of error or appeal, and to stay proceedings thereon during the pendency of such writ of error or appeal, may give the security required by law therefor within sixty days after the rendition of such judgment, decree or order, or afterward with the permission of a justice or judge of the said appellate court.

§ 12. That in all criminal or penal causes in which judgment or sentence has been or shall be rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty

is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced: *Provided* That where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid.

§ 13. That when in any suit in equity, commenced in any court of the United States, to enforce any legal or equitable lien or claim against real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer or demur to the complainant's bill at a certain day therein to be designated, which order shall be served on such absent defendant, if practicable, wherever found, or where such personal service is not practicable, such order shall be published in such manner as the court shall direct; and in case such absent defendant shall not appear, plead, answer or demur within the time so limited, or within some further time, to be allowed by the court in its discretion, and upon proof of the service of publication of said order, and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district, but said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

§ 14. That when a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and cost, has been confined in prison thirty days solely for the non-payment of such fine, or fine and cost, such convict may make application in writing to any commissioner of the United States Court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and cost, and after notice to the district attorney of the United States who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter; and if on examination it shall appear to him that such convict is unable to pay such fine, or fine and cost, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil precept for debt by the laws of (state where oath is administered); and that I have no property in any way conveyed or concealed or in any

way disposed of for my future use and benefit. So help me God." And thereupon such convict shall be discharged, the commissioner giving to the jailer or keeper of the jail a certificate setting forth the facts.

§ 15. That if at any time after such discharge of such convict, it shall be made to appear that in taking the aforesaid oath he swore falsely, he may be indicted, convicted and punished for perjury, and be liable to the penalties prescribed in section thirteen of an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved May 3, 1825.

§ 16. That the fees of the commissioner for the examination and certificate provided for in this act, shall be five dollars per day for every day that he shall be engaged in such examination.

Approved June 1, 1872.

**U. S. Circuit and District Courts at Louisville, Ky.**

Courts in the third story of the United States Custom House, corner Third and Green streets. Terms, third Monday in February, and first Monday in October.

Terms of court unlimited. Judges may continue the terms until the business is disposed of. Process must be executed fifteen days before each term.

**Officers.**

H. H. EMMONS, Judge Circuit Court. Salary \$5,000.

BLAND BALLARD, Judge District Court. Salary \$3,500.

G. C. WHARTON, Attorney. Salary \$200 and fees.

W. A. BULLITT, Assistant Attorney.

ELI H. MURRAY, Marshal. Salary \$200 and fees.

JOHN WYATT, Deputy Marshal.

HENRY DIVEN, Deputy Marshal.

CHARLES T. BALLARD, Deputy Marshal.

M. F. ATHY, Deputy Marshal.

A. J. HARRINGTON, Deputy Marshal.

JAMES ASHCRAFT, Deputy Marshal.

BEN. KIRKPATRICK, Deputy Marshal.

W. A. MERIWETHER, Clerk. Fees.

S. B. CRAIL, Assistant Clerk.

H. S. IRWIN, Assistant Clerk.

Terms of said courts, at Paducah, Ky., first Monday in November, and third Monday in March; at Covington, first Monday in December, and third Monday in April.

**Fees of Attorneys, Solicitors, etc.**

Trial before jury-----	\$10 00
In cases at law, where judgment is rendered without a jury-----	10 00
Where a cause is discontinued-----	5 00
For scire facias and other proceedings on recognizances-----	5 00
For each deposition taken and admitted as evidence in the cause-----	2 50
A compensation of five dollars shall be allowed for the ser- vices rendered in cases removed from a District to a Circuit Court, by writ of error or appeal.	
For examination by a District Attorney, before a Judge or Commissioner, of a person or persons charged with crime, for the time necessarily employed, per day-----	5 00
For each day of his necessary attendance in a court of the United States, on the business of the United States, when the same shall be held at the place of his abode-----	5 00
And the like sum for his attendance for each day of the term when the said court shall be held elsewhere.	
For traveling from the place of his abode to the place of holding any court of the United States in his district, and to the place of any examination before a Judge or Commissioner, of a person or persons charged with crime, per mile, for going and returning, each way-----	10
When an indictment for crime shall be tried before a jury, and a conviction is had, in addition to the Attorney's fees allowed by this act, the District Attorney may be allowed a counsel fee, in proportion to the importance and difficulty of the cause, not exceeding-----	30 00

**Fees of Clerk of U. S. Circuit and District Courts.**

For issuing and entering every process, commission, sum- mons, capias, execution, warrant, attachment or other writ, except a writ of venire, summons, or subpoena for a witness-----	\$1 00
For filing and entering every declaration, plea, or other paper-----	10
For administering every oath or affirmation to a witness, or other person except a juror-----	10
For entering any return rule, order, continuance, judg- ment, decree, or recognizance, drawing any bond, or making any record, certificate, return or report, for each folio-----	15
And for a copy of any such entry or record, or of any paper on file, not exceeding one folio-----	1

For each additional folio	\$ 10
For making dockets and indexes, and for all other services in a cause where issue is joined and no testimony given, including taxing costs	2 00
For receiving, keeping, and paying out money, in pursu- ance of the requirements of any statute or order of the court, one per cent. on the amount so received, kept and paid	

### Marshal's Fees.

For any service of any warrant, attachment, summons, ca- pias, or other writ, (except execution, venire, or a sum- mons or subpoena for a witness,) for each person on whom such service may be made	\$2 00
Provided, that on petition setting forth the facts on oath, the court may allow such fair compensation for the keep- ing of personal property attached and held on the mense process, as shall, on examination, be found to be rea- sonable.	
For serving a writ of subpoena on a witness	50
And no further compensation shall be allowed for any copy, summons, or notice for witness.	
For travel in going only to serve any process, warrant, attachment, or other writ, including writs of subpoena in civil and criminal cases, per mile	6
To be computed from the place of service to the court or place where the writ or process is returned; and if more than one person is served therewith, the travel shall be com- puted from the court to the place of service which shall be the most remote, adding thereto the extra travel which shall be necessary to serve it on the others: <i>Provided</i> , That when more than two writs of any kind in behalf of the same party or parties, to be served on the same person or persons, or part of the same persons, are, or might be served at the same time, the Marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the Clerk to insert the names of as many witnesses in a cause in each subpoena, as convenience in serving the same will permit. And in all cases where mileage is allowed to the Marshal by this act, it shall be at his option to receive the same, or his actual traveling expenses, to be proved on his oath to the satisfaction of the court.	
For each bail bond	50
For every commitment or discharge of a prisoner	50
For every proclamation in admiralty	30

For serving venires and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one-third cents each.	
For transporting criminals, for himself, each guard, and each prisoner, per mile	\$ 10
For copies of writs or papers furnished at the request of any party, per folio	10
For holding account of inquiry or other proceeding before a jury, including the summoning of a jury	5 00

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### Fees of Witnesses in U. S. Court.

For each day's attendance in court, or before any officer pursuant to law	1 50
And five cents per mile for traveling from his place of residence to said place of trial or hearing, and five cents per mile for returning. When a witness is subpoenaed in more than one cause between the same parties in different suits at the same court, but one travel fee and one per diem compensation shall be allowed for attendance, to be taxed in the first case disposed of, and "per diem" only in the other causes, to be taxed from that time in each case, in the order in which they may be disposed of. When a witness is detained in prison for want of security for his appearance, he shall be entitled to a compensation of one dollar per day over and above subsistence.	

### Juror's Fees.

For actual attendance at any court or courts, per day during such attendance	2 00
For traveling from their residence to said court or courts per mile for going and the same for returning	5

Fees of Register in Bankruptcy in U. S. District Court—Fees charged by Register in each case, viz:

Affidavit to petition and certificate-----	\$ 25
Affidavit and certificate to schedules, each-----	25
Examination and certificate to correctness of petition and schedules-----	3 00
Issuing warrant-----	2 00
Memorandum to clerk of above, 2 fs. 10 cts.=20 cts. and cert 15 cts-----	35
Marshals deposition to return of warrant-----	35
Attending first meeting of creditors-----	
Notice to assignee of appointment-----	50
Memorandum to clerk 2 fs. 10 cts.=20 cts. and cert-----	35
Taking bond of assignee with sureties-----	2 00
Assignment-----	1 00
Order to assignee as to publication of appointment-----	50
Memorandum to clerk 2 fs. 10 cts.=20 cts. and cert. 15 cts.	35
Copy of schedules fs. 10 cts.= and cert. 15 cts-----	
Copy of exemption fs. 10 cts.= and cert. 15 cts-----	
Petition for discharge and application for final hearing-----	1 00
Memorandum to clerk 2 fs. 10 cts.=20 cts. and cert. 15 cts.	35
Order for final examination-----	1 00
Attending final hearing-----	5 00
Final examination of bankrupt-----	2 00
Assignees deposition, publication of appointment-----	45
Assignees deposition to form 29-----	45
Assignees deposition to report as to assets-----	45
Assignees deposition to form 37, and accounts-----	45
Per diem in making abstract and opinion-----	5 00
Memorandum to clerk, 2 fs. 10 cts.=20 cts. cert. 15-----	35
Discharge-----	2 00
For every memorandum to clerk, 10 cts. folio, and 15 cts. for certificate.	
Summons or subpoena for witness-----	1 25
For taking depositions 20 cts. for each folio, and for each hour engaged-----	1 00
For certifying each affidavit or deposition in proof of debt satisfactory-----	25
For each notice required to be sent by Register, including postage and stationery-----	15

**When Dividends are to be Declared the following Fees can be charged:**

Application for meeting-----	1 00
Attending meeting-----	3 00
Order of dividend-----	3 00
Copy of same fs. at 10 cts-----	
Computation of dividend-----	5 00
Creditors to whom dividend is declared, each-----	10
Assignees deposition, publication meeting-----	45
Assignees deposition to reports of assets-----	45
Assignees deposition to form 37 and accounts-----	75
Memorandum to clerk, 3 fs. 10 cts.—30 cts. and cert. 15 cts.	45
Notices sent creditors of dividend, each-----	15
Whenever the Register is required to re-examine a claim proven in bankruptcy, under the XXXIVth General Orders in Bankruptcy of U. S. Supreme Court, to hear an application for a discharge in bankruptcy, or to perform any other duty not imposed upon him by the Bankruptcy Act, he is entitled to charge, under the 47th section of the act, for each day while employed in discharging such duty-----	5 00

(In re Dean, 1 B. R. 26.)

By the XXXth General Orders in Bankruptcy, of Supreme Court of the U. S., December Term, 1871, any person may apply to court, and compel the Clerk, Marshal, and Register to file their fee bills before a Commissioner to be appointed for that purpose by the court, who shall tax the fees of said officers, allowing none but legal fees. The compensation of such Commissioner to be paid out of the funds in the hands of the Assignee, if there be no funds in his hands, such compensation to be paid by the Clerk, Marshal, and Register in proportion, the amount of their fees so taxed.

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**Amendment to Exemptions in Bankruptcy.**

By Act of Congress, approved 8th June, 1872, the exemptions under the State Laws of 1871, can now be made to each bankrupt, together with the other exemptions made by the bankrupt act.

**Presidents of the United States from the Adoption  
of the Constitution to 1869.**

The following list of Presidents and Presidential candidates will be found convenient for reference:

1789— GEORGE WASHINGTON and JOHN ADAMS,  
two terms, no opposition.

---

1797—JOHN ADAMS opposed by THOMAS JEFFERSON,  
who, having the next highest electoral vote, became Vice  
President.

---

1801— THOMAS JEFFERSON and AARON BURR,  
beating John Adams and Charles C Pinckney.

---

1805— THOMAS JEFFERSON and GEORGE CLINTON,  
beating Charles C. Pinckney and Rufus King.

---

1809— JAMES MADISON and GEORGE CLINTON,  
beating Charles C. Pinckney.

---

1813— JAMES MADISON and ELBRIDGE GERRY,  
beating De Witt Clinton.

---

1817— JAMES MONROE and DANIEL D. TOMPKINS.  
beating Rufus King.

---

1821— JAMES MONROE and DANIEL D. TOMPKINS,  
beating John Quincy Adams.

---

1825— JOHN QUINCY ADAMS and JOHN C. CALHOUN,  
beating Andrew Jackson, Henry Clay, and Wm. R. Crawford—there being four candidates for President, and Albert Gallatin for Vice President.

---

1829— ANDREW JACKSON and JOHN C. CALHOUN,  
beating John Quincy Adams and Richard Rush.

1833—ANDREW JACKSON and MARTIN VAN BUREN,  
beating Henry Clay, John Floyd and Wm. Wirt, for President,  
and Wm. Wilkins, John Sergeant and Henry Lee, for Vice President.

---

1837—MARTIN VAN BUREN and RICHARD M. JOHNSON,  
beating William H. Harrison, Hugh L. White and Daniel Webster, for President, and John Tyler, for Vice President.

---

1841—WILLIAM H. HARRISON and JOHN TYLER,  
beating Martin Van Buren and Littleton W. Tazewell.  
[Harrison died one month after his inauguration, and John Tyler became President for the rest of the term.]

---

1845—JAMES K. POLK and GEORGE M. DALLAS,  
beating Henry Clay and Theodore Frelinghuysen.

---

1849—ZACHARY TAYLOR and MILLARD FILLMORE,  
beating Lewis Cass and Martin Van Buren for President,  
and Wm. O. Butler and Charles F. Adams for Vice President.  
[Taylor died July 9th, 1850, and Fillmore became President.]

---

1853—FRANKLIN PIERCE and W. R. KING,  
beating Winfield Scott and M. A. Graham.

---

1857—JAMES BUCHANAN and JOHN C. BRECKINRIDGE,  
beating John C. Freemont and Millard Fillmore for President,  
and Wm. L. Dayton and A. J. Donelson for Vice President.

---

1861—ABRAHAM LINCOLN and HANNIBAL HAMLIN,  
beating John Bell, Stephen A. Douglass, and John C. Breckinridge  
for President, and Edward Everett, Herschell V. Johnson,  
and Joseph Lane for Vice President.

---

1865—ABRAHAM LINCOLN and ANDREW JOHNSON,  
beating Geo. B. McClellan and Geo. H. Pendleton. [Lincoln  
assassinated April 14th, 1865, and Johnson assumed the Presidency.]

---

1869—ULYSSES S. GRANT and SCHUYLER COLFAX,  
beating Horatio Seymour and Frank P. Blair.

### How a President is Elected.

Each of the United States is entitled to as many electors of President and Vice President as it has Senators and Representatives in Congress. In each State the Electors are chosen by a plurality vote. That is, if there are three sets of electors voted for, the set having the highest number of votes are chosen. But a candidate for President, in order to be successful, must have a majority of all the electors. The electoral college, as now constituted, consists of 367. Therefore 184 is necessary for a choice. If there be three candidates for President and neither of them receive a majority of the electoral college, then there is no choice, and the election goes to the House of Representatives. The House must confine their choice to the three highest candidates voted for by the electors. The Representatives vote by States, and each State has but one vote; so that the power of Delaware is as great as that of New York. Each State has one vote. The majority of the State delegation casts its vote. A candidate, to be successful, must receive a majority of all the States, or nineteen States. If the delegation is divided, the vote of the State can not be cast, and is therefore lost. As the present House is constituted, and it is upon this House the election will devolve in the event there is no election by the people, nominally the Republicans hold twenty States; but its majority in ten of these it holds by one single vote. Should there be a third candidate there would be no choice found in two of these ten States.

## The Electoral Vote of 1868 and 1872.

This table shows the electoral vote of each State under the new apportionment, and also a statement of the popular majority in each State in the general election which has last occurred in each:

STATES.	Old Electoral Vote.	New Electoral Vote.	Democratic Majority.	Republican Majority.	Last Election.
Alabama	8	10	1,771	---	1870
Arkansas	5	6	---	2,602	1870
California	5	6	---	5,474	1871
Connecticut	6	6	---	1,999	1872
Delaware	3	3	2,476	---	1870
Florida	3	4	228	---	1870
Georgia	9	11	26,863	---	1871
Illinois	16	21	---	21,020	1871
Indiana	13	15	2,558	---	1870
Iowa	8	11	---	41,254	1871
Kansas	3	5	---	20,170	1870
Kentucky	11	12	36,976	---	1871
Louisiana	7	8	---	24,477	1870
Maine	7	7	---	10,631	1871
Maryland	7	8	15,135	---	1871
Massachusetts	12	13	---	27,404	1871
Michigan	8	11	---	18,529	1871
Minnesota	4	5	---	14,988	1871
Mississippi	7	8	---	38,089	1869
Missouri	11	15	41,038	---	1870
Nebraska	3	3	---	2,478	1870
Nevada	3	3	1,052	---	1870
New Hampshire	5	5	---	1,538	1872
New Jersey	7	9	6,007	---	1871
New York	33	35	---	18,897	1871
North Carolina	9	11	1,221	---	1870
Ohio	21	22	---	20,168	1871
Oregon	3	3	621	---	1870
Pennsylvania	26	29	---	14,490	1872
Rhode Island	4	4	---	1,224	1872
South Carolina	6	7	---	29,534	1870
Tennessee	10	12	37,479	---	1870
Texas	6	8	22,084	---	1871
Vermont	5	5	---	21,309	1870
Virginia	10	11	18,331	---	1869
West Virginia	5	5	2,123	---	1870
Wisconsin	8	10	---	20,609	1871
Total	317	367	---	---	---

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Salary \$2,000 per annum. Appointed June 1st, 1865. Appointed for indefinite period.

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Surplus over liabilities, about	- - - - -	6,000,000
Dividends paid in 1871, nearly	- - - - -	5,000,000
Interest received on investments for 1871	- - - - -	1,925,000
Losses by death paid in 1871	- - - - -	1,793,000
Ratio of expenses to receipts	- - - - -	8 12-100

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## Kentucky Circuit Courts.

Counties.	County-seat.	Circuit Courts.
ADAIR.....	Columbia.....	Feb.....19 Aug.....19
ALLEN.....	Scottsville.....	Jan.....1 July.....1
ANDERSON.....	Lawrenceburg.....	June.....3 Dec.....2
BALLARD.....	Blandville.....	March.....25 Sept.....23
BARREN.....	Glasgow.....	April.....1 Oct.....7
BATH.....	Owingsville.....	
BOONE.....	Burlington.....	April.....15 Oct.....14
BOURBON.....	Paris.....	Jan., April 15, Oct. 21.
BOYD.....	Catlettsburg.....	See page 70.
BUYLE.....	Danville.....	March.....4 Sept.....2
BRACKEN.....	Brooksville.....	Feb.....26 Aug.....26
BREATHITT.....	Jackson.....	May.....27 Nov.....4
BRE'KINRIDGE.....	Hardinsburg.....	April.....8 Oct.....14
BULLITT.....	Shepherdsville.....	April 15, June 3, Oct. 21.
BUTLER.....	Morgantown.....	May.....27 Nov.....25
CALDWELL.....	Princeton.....	May.....6 Nov.....6
CALLOWAY.....	Murray.....	May.....27 Nov.....25
CAMPBELL.....	Alexandria and Newport.....	Feb. 12, April 8, May 27, Sept. 2, Nov. 25.
CARROLL.....	Carrollton.....	June.....10 Nov.....25
CARTER.....	Grayson.....	April.....1 Aug.....19
CASEY.....	Liberty.....	June.....3 Dec.....2
CHRISTIAN.....	Hopkinsville.....	March.....4 Sept.....2
CLARKE.....	Winchester.....	May.....6 Nov.....4
CLAY.....	Manchester.....	June.....10 Nov.....11
CLINTON.....	Albany.....	March.....4 Sept.....2
CRITTENDEN.....	Marion.....	June.....3 Dec.....2
CUMBERLAND.....	Burksville.....	March.....11 Sept.....9
DAVIESS.....	Owensboro.....	May.....27 Nov.....25
EDMONSON.....	Brownsville.....	March.....18 Sept.....16
ELLIOTT.....	Martinsburg.....	May.....27 Nov.....25
ESTILL.....	Irvine.....	April.....1 Oct.....9
FAYETTE.....	Lexington.....	Feb. 5, June 10, Aug. 12.
FLEMING.....	Flemingsburg.....	Feb.....12 Aug.....12
FLOYD.....	Prestonsburg.....	May.....13 Sept.....30
FRANKLIN.....	Frankfort.....	Feb. 12, June 24, Aug. 26.
FULTON.....	Hickman.....	Feb.....12 Aug.....12
GALLATIN.....	Warsaw.....	March.....18 Sept.....16
GARRARD.....	Lancaster.....	Jan.....15 July.....15
GRANT.....	Williamstown.....	May.....27 Oct.....28
GRAVES.....	Mayfield.....	April.....8 Oct.....14
GRAYSON.....	Litchfield.....	April.....22 Oct.....28
GREEN.....	Greensburg.....	May.....20 Nov.....18
GREENUP.....	Greenup.....	March.....4 Sept.....2
HANCOCK.....	Hawesville.....	March.....25 Sept.....23
HARDIN.....	Elizabethtown.....	Feb.....12 Aug.....12
HARLAN.....	Harlan Court House.....	May.....6 Oct.....14
HARRISON.....	Cynthiana.....	May.....6 Nov.....4
HART.....	Munfordville.....	May.....6 Nov.....4
HEN'PERSON.....	Henderson.....	April.....1 Sept.....2
HENRY.....	Newcastle.....	April.....1 Sept.....23
HICKMAN.....	Clinton.....	March.....4 Sept.....2
HOPKINS.....	Madisonville.....	April.....1 Oct.....7
JACKSON.....	McKee.....	June.....3 Nov.....11
JEFFERSON.....	Louisville.....	Jan. 1, April 1, May 6, June 24, Sept. 2, Nov. 18.
JESSAMINE.....	Nicholasville.....	May.....20 Nov.....18
JOHNSON.....	Paintsville.....	April.....15 Sept.....2
JOSEPH BELL.....	Pineville.....	April.....29 Oct.....7

Counties.	County-Seats.	Circuit Courts.
KENTON.....	Covington.....	March 8, Sept. 8, Dec. 9.
KNOX .....	Independence.....	Jan..... 8 July..... 8
LARUE .....	Barboursville .....	March..... 18 Aug..... 19
LAUREL .....	Hodgenville .....	March... 25 Sept..... 23
LAWRENCE .....	London.....	April..... 1 Sept..... 2
LOUISA.....	Louisa.....	See page 70.
LEE.....	Beattyville.....	April..... 15 Oct..... 21
LETCHER.....	Whitesburg .....	May..... 13 Oct..... 21
LEWIS.....	Vanceburg.....	May ..... 13 Nov..... 11
LINCOLN.....	Stanford.....	April..... 15 Oct..... 21
LIVINGSTON.....	Smithland .....	Feb ..... 12 Aug..... 12
LOGAN .....	Russellville.....	May ..... 6 Nov..... 4
LYON.....	Eddyville.....	May ..... 27 Nov..... 25
MADISON .....	Richmond.....	March..... 18 Sept..... 16
MAGOFFIN.....	Salyersville.....	See page 70.
MARION .....	Lebanon.....	Jan. 15, June 17, Aug. 12.
MARSHALL .....	Benton.....	June..... 10 Dec..... 9
MARTIN.....	Warfield.....	See page 71.
MASON .....	Maysville.....	March..... 25 Sept..... 23
MCCRACKEN .....	Paducah.....	Jan..... 8 July..... 8
MCLEAN .....	Calhoun.....	June..... 1 Jan..... 1
MEADE.....	Brandenburg.....	March..... 11 Sept.... 9
MENIFEE.....	Frenchburg .....	June..... 3 Dec..... 2
MERCER.....	Harrodsburg.....	May..... 13 Nov..... 11
METCALFE..	Edmonton .....	June..... 3 Dec..... 2
MONROE.....	Tompkinsville.....	March..... 25 Sept..... 23
MONTGOMERY.....	Mt. Sterling .....	Aug..... 19 Feb..... 12
MORGAN .....	West Liberty.....	May ..... 13 Nov..... 11
MUHLENBURG.....	Greenville.....	April..... 15 Oct..... 21
NELSON .....	Bardstown .....	April 22, July 1 Oct. 23.
NICHOLAS .....	Carlisle .....	April..... 22 Oct..... 28
OHIO.....	Hartford .....	May ..... 13 Nov..... 11
OLDHAM.....	Lagrange.....	March..... 25 Sept..... 23
OWEN .....	Owenton.....	May ..... 6 Nov..... 11
OWSLEY .....	Booneville.....	April..... 22 Oct..... 28
PENDLETON .....	Falmouth'.....	April..... 15 Oct..... 21
PERRY.....	Hazard.....	May ..... 20 Oct..... 28
PIKE.....	Pikeville.....	April..... 29 Nov..... 18
POWELL .....	Stanton .....	March..... 25 Sept..... 23
PULASKI.....	Somerset .....	March..... 25 Sept..... 23
ROBERTSON .....	Mt. Olivet.....	Jan..... 22 July..... 15
ROCKCASTLE .....	Mt. Vernon.....	April..... 8 Sept..... 9
ROWAN.....	Morehead .....	May ..... 27 Nov..... 25
RUSSELL.....	Jamestown .....	May ..... 23 Nov..... 21
SCOTT .....	Georgetown .....	March..... 4 Sept..... 2
SHELBY.....	Shelbyville.....	March..... 4 Sept..... 23
SIMPSON .....	Franklin.....	Feb..... 26 Aug..... 26
SPENCER .....	Taylorsville .....	April ..... 8 Sept..... 9
TAYLOR.....	Campbellsville.....	April..... 8 Oct..... 14
TODD.....	Elkton .....	March..... 25 Sept..... 23
TRIGG.....	Cadiz .....	Feb..... 12 Aug..... 12
TRIMBLE .....	Bedford .....	March..... 4 Sept..... 9
UNION.....	Morganfield .....	April..... 8 Oct..... 14
WARREN .....	Bowling Green.....	Jan ..... 22 July..... 15
WASHINGTON .....	Springfield .....	March..... 4 Sept..... 2
WAYNE.....	Monticello.....	May ..... 6 Nov..... 4
WEBSTER.....	Dixon .....	May ..... 13 Nov..... 11
WHITELEY.....	Whitley C. H.....	March..... 4 Aug..... 6
WOLF .....	Campton .....	May ..... 6 Nov..... 4
WOODFORD.....	Versailles.....	April..... 1 Oct..... 7

ERRATA.—On page 63 for February, read January 22; and in the tenth line of the same page, for August read March.

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\* On page 117, 8th line, "two dollars," read "one dollar."

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